Saskatchewan
Urban Affairs

Final Report
of the
Minister's Committee To Review Urban Law

Saskatchewan Urban Affairs
December 1, 1980

Saskatchewan

Urban Law
Review
Committee

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December 1, 1980

TO THE HONOURABLE WALTER E. SMISHEK
Minister of Urban Affairs
Regina, Saskatchewan

Sir:

On behalf of the Minister's Committee to Review Urban Law, I take pleasure in submitting the Committee's third report.

You will recall that the first report was the Interim Report, dated July 31, 1979. It proposed for consideration and public discussion the Committee's conclusions regarding the functions of local government in Saskatchewan and recommended a number of changes in the existing laws respecting urban municipalities.

In the second report, dated June 30, 1980, the Committee recommended consolidation of the law governing elections for municipal and school purposes, and submitted for your consideration a proposal for The Local Government Elections Act.

In this report the conclusions and recommendations which originally appeared in the Interim Report have been revised and substantially expanded. The preparation of this report was not undertaken until a series of meetings and public hearings had been held, at which the citizens of the province were invited to discuss the Interim Report and comment on the various recommendations contained therein.

Unlike the report on local government elections, this report is not accompanied by a draft bill. However, the recommendations in this report have been set out in a format which it is hoped will be useful to the person or persons assigned the task of writing a new Urban Municipality Act and preparing amendments to other statutes.

The Committee wishes to acknowledge the valuable assistance which it received from municipal officials, both elected and appointed, throughout the province. Their contributions by way of letters, briefs and submissions, by mail or telephone and at public meetings, and submissions from a number of private citizens and non-municipal organizations, have helped the Committee greatly in the task of identifying important issues and formulating proposals for changes in urban law. We are grateful especially to the President and Executive of SUMA for their briefs to the Committee and for their efforts on our behalf to stimulate public interest in the work of the Committee.

Respectfully submitted,

G. J. Darychuk, Chairman

Members:

Leonard Boxell, Unity
Guy Dauphinais, Gravelbourg
Henry Dayday, Saskatoon
William Haussecker, Maryfield
Jean Jacklin, Star City
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URBAN LAW REVIEW COMMITTEE

FINAL REPORT - 1980

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Urban Law Review Committee

SUMMARY OF THE PRINCIPAL RECOMMENDATIONS
FOR THE CONSOLIDATION AND UPDATING OF

I. THE URBAN MUNICIPALITY ACT

(Page numbers in brackets refer to the Final Report)

Voting Qualifications

A. Extension of the right to vote at municipal elections, and on bylaws and questions, to every person who is at least 18 years of age and a Canadian citizen and has resided in the municipality for at least three months, regardless of whether or not he is the owner of property in the municipality; abandonment of the term "burgess"; adoption of the principle of "one person, one vote". Corporations, and non-resident owners of property in a municipality, would not be able to vote as such in the future. (pp. 34, 35, 38)

Elections

B. Triennial elections. Commencing with the regular elections to be held in 1982, mayors and councillors of all cities, towns and villages would be elected for three-year concurrent terms expiring December 31. (p. 41)
In cities, which under existing legislation may elect councillors either at large or by wards, the Committee recommends a third option, that of electing some members at large and some by wards, in which case all members would have equal status regardless of how they were elected. (p. 40)

In Camera Meetings

C. Meetings of council shall be open; but where a majority of the members present is of the opinion that it is in the public interest to hold a committee meeting of the whole or part of the council on any subject in private, a council may by resolution exclude any person or persons from the meeting, but it has no power at such committee meeting to pass any bylaw or resolution apart from the resolution necessary to revert back to an open meeting. (p. 43)

Records open to inspection

D. Minutes, bylaws, contracts, reports and other records shall be open for inspection of any person after they have been submitted to council. (Existing legislation reads "voter" instead of "person", which sometimes serves to bar newspaper reporters who are not voters from inspecting municipal records.) (p. 51)

Criteria for Incorporation

E. Raise the criteria for incorporation of villages, towns and cities from the existing population minimums of 100, 500 and 5,000, to 500 for villages, 1,000 for towns and 10,000 for cities. (p. 36)

Qualifications of clerk or treasurer

F. No town with a population in excess of 1,000 shall appoint a person as a clerk or treasurer unless such person is in possession of a certificate of qualification granted under regulations issued by the minister. (Under existing legislation this restriction applies only to towns with a population of 2,000 or over.) (p. 46)

Interest in a contract

G. Extending to cities the provisions of subsection 40(8), which at present apply only to towns and villages. Under existing legislation a member of a town or village council may have an interest in a contract with the municipality under certain conditions. These conditions are that the goods or services are not readily available from some other person in the municipality, the price is reasonable, and every member of council present and eligible to vote, votes in favour of the contract. (p. 41)

Petitions

H. Council not to be bound to comply with petitions except for a petition to call a public meeting. No citizen or group of citizens shall be denied the right to petition council, and to be heard; however, council shall have the power to grant or deny the thing petitioned for as council deems proper, and council shall carry the full responsibility for decisions taken. (pp. 44, 54)

Submission of Bylaws and Questions to a Vote

I. Council shall not be compelled to submit a bylaw to a vote of the electors, by petition or otherwise, except where ordered by The Local Government Board with respect to a money bylaw. Where the council does submit a bylaw to a vote, whether on its own initiatives or by order of The Local Government Board, council shall be bound to pass or not pass the bylaw in accordance with the wishes expressed by the majority of the voters voting on the bylaw. In connection with money bylaws, council shall publish notice of intention to pass a bylaw and invite electors to submit petitions and objections if they feel so inclined. A council of course may submit to the voters a question on any municipal matter for an expression of opinion, and the result shall be used by the council for information purposes only. (pp. 68, 74-76)

Tax Exemptions

J. While subscribing to the general principle that all lands and buildings, regardless of ownership, should be subject to taxation for municipal purposes, the Committee appreciates the fact that such a policy would be difficult to implement. It suggests that much research needs to be done before any curtailment of existing tax exemptions can be considered. In the meantime, however, the Committee recommends that legislation be passed providing for payment of grants in lieu of taxes with respect to provincial crown properties. (pp. 83-84)

Recovery of foregone taxes

K. Where tax exempt property is subsequently transferred to an owner who is not exempt from taxation for a non-exempt purpose, a portion of the selling price shall be paid over to the municipality as compensation for part of the taxes which the municipality had foregone. (p. 84)

Powers to licence, regulate or prohibit

L. Extending the powers of council to pass bylaws for licensing, regulating or prohibiting to include the power to:

noise

(1) define "noise" and to establish permitted noise levels in various parts of the municipalities and at various times of the day, including authority to take action against owners of barking dogs; (p. 58)

mini-bikes

(2) control of mini-bikes on private property; (p. 59)

animals

(3) limit the number of animals a person may keep on his premises; (p. 60)

hazardous substances

(4) regulate the storage, handling and transportation of dangerous materials and hazardous substances within the municipality; (p. 65)

dutch elm disease

(5) controlling dutch elm disease. (p. 66)

Ministerial approvals

M. Where a municipality employs properly qualified personnel, the Committee recommends dispensing with the need to obtain provincial approval of bylaws or resolutions in the case of:

grants

(1) Local Government Board approvals of grants in excess of one-half mill in total; (p. 70)

utility rates

(2) Local Government Board approval of water and sewer rates in towns and villages; (p. 90)

receipt forms

(3) ministerial approval of receipt forms used in towns of 1,000 or more (where a properly qualified treasurer is employed); (p. 49)

penalty bylaws

(4) ministerial approval of village bylaws which impose a penalty; (p. 56)

traffic bylaws

(5) Highway Traffic Board approvals of municipal traffic bylaws respecting such matters as location of stop signs, etc.; (pp. 58-59)

street closing

(6) ministerial approval of street closure for any purpose on a temporary basis; (p. 58)

reserve funds

(7) Local Government Board approval of transactions in respect of capital trust funds and reserves; (pp. 80-82)

tax compromise

(8) ministerial approval of compromise or abatement of taxes, except in the case of municipalities with a population under 1,000. (p. 87)

N. Removal of statutory limits and directions with respect to:

borrowing limits

(1) municipal debt limits of 25% of assessment; leave the matter to the discretion of The Local Government Board; (p. 77)

bank deposits

(2) specific directions in section 90 as to how frequently the treasurer shall make bank deposits; leave the matter to the discretion of the council; (p. 47)

fees for copies

(3) the amount which the municipality may charge for copies of minutes and other documents; leave the matter to the discretion of council; (p. 51)

curfew fines

(4) fines for violation of curfew bylaw (presently $1, $2, and $5 for the first, second and third offence). (p. 68)

O. Streamlining and shortening the time required to complete some of the legal procedures with respect to:

nuisance

(1) action to correct or abate a nuisance; (p. 57)

debenture issuing procedures

(2) amending a debenture bylaw where interest rates or other particulars must be changed; dispensing with Minister's countersignature on debentures; and providing for debenture register to be kept by a trust company as an option; (p. 77-78)

parking fines

(3) "two fine" system for parking offences, etc.; (p. 56)

unclaimed property

(4) holding of unclaimed property, including bicycles, before it may be sold or otherwise disposed of; and (p. 69)

reading of bylaws

(5) dispensing with reading a bylaw aloud where copies have been provided to all members of councils. (p. 53)

Capital budget

P. Requiring every municipality to prepare annually a capital budget for the current year and the five years following. (p. 73)

Q. Housekeeping or housecleaning changes

subject areas

(1) dividing the subject areas of the Act into 11 parts; (at present there are 6 parts) (pp. 32-33)

consolidation

(2) consolidation of the Act with the following statutes: (pp. 67, 89, 108)
The Municipal Public Works Act
The Local Improvements Act

appointment of officials and boards, etc.

(3) rewriting or removal of numerous detailed provisions respecting the appointment of pay-master, tax collector, and various boards, and consolidation of this material into fewer sections granting the council general powers to appoint officials, boards and committees, and to prescribe their powers and duties; (p. 51)

chief administrative officer

(4) providing for the appointment of a chief administrative officer, who may be the manager or a commissioner, to whom may be assigned in addition to his regular duties the duties of the clerk, treasurer, or other position; (pp. 34, 52)

alderman

(5) declaring that a councillor of a city, town or village may be called "alderman"; (p. 35)

mayor

(6) defining the position of mayor as "the head of council and chief officer of the municipality". Where an executive committee of council has been established, mayor to make appointments; (p. 44)

officer

(7) defining "officer" to include the mayor, a councillor, clerk, treasurer, manager, commissioner, assessor, and such other persons as the council may by bylaw designate; (p. 44)

administrator

(8) restricting the use of the term "administrator" to a person appointed by the courts or by the minister to administer a municipality in place of the council; (p. 52)

obsolete material

(9) removal of obsolete material, such as reference in section 165 to horses and mules, porters and draymen, opera houses, and wood sawing machines; (pp. 60-62)

remuneration

(10) simplifying the provisions respecting remuneration of council members; (pp. 44, 45, 81)

service tax

(11) deleting provisions respecting the service tax (poll tax); (p. 85)

tax penalties

(12) authorizing council to set tax penalty rates, and discounts, which are related to current bank rates; e.g., 1% above prime. (p. 86)

Temporary legislation by O.C.

R. Empower the Lieutenant Governor in Council upon application of a municipality, to grant powers or impose duties upon a council which are not specifically provided for in the Act; such regulation to have effect of law only until the next session of the legislature. (p. 56)

Shopping hours

S. Empower the council to pass bylaws providing for two evenings a week when shops may remain open. (pp. 62-63)

Maximum penalty

T. Increase from $500 to $1,000 the maximum penalty which may be imposed for bylaw violations. (p. 55)

II. OTHER URBAN RELATED STATUTES

Consolidation

U. The Urban Municipality Act is sometimes labelled as the municipal bible. In that statute the powers and duties of municipal councils are defined, and the machinery for establishing local government is prescribed. Three other statutes, namely The Urban Municipal Elections Act, The Municipal Public Works Act, and The Local Improvements Act, are also concerned almost exclusively with urban local government, which is sufficient reason for considering consolidation of all four Acts into a single statute. (pp. 89, 107)

Local Government Elections Act

V. With respect to elections, the Committee is convinced that much procedural confusion and uncertainty can be avoided by the adoption of a single statute with directions for the conduct of elections that would apply uniformly to all local governments: urban, rural and school. However, since the rurals at present are not prepared to consider this proposal, it is recommened that only the directions for conducting school elections as prescribed in The Education Act, and the directions for conducting urban municipal elections as prescribed in The Urban Municipal Elections Act, be consolidated into a single statute entitled The Local Government Elections Act. It is also recommended that the provisions of The Controverted Municipal Elections Act be combined with the proposed new Act instead of being retained as a separate statute. (p. 172)

Municipal Public Works Act

W. The Municipal Public Works Act has remained virtually unchanged since 1906. It is concerned with the construction and operation of municipal public utilities, and its provisions are "deemed" to be part of The Urban

Municipality Act. The Committee recommends that these provisions be physically incorporated in the main Act, but only after considerable "housecleaning".

The principal changes recommended for updating the legislation respecting municipal public utilities are as follows:

other kinds of public utilities

(1) Extending the definition of "public utility" to include such facilities as garbage collection and disposal systems, recreational facilities, airports, etc. (pp. 90-91)

public utilities commissioners

(2) Deleting references to commissioners of public utilities, whose powers, according to existing legislation, supersede the powers of the council. (p. 93)

repair and replacement

(3) Providing for the repair and replacement, at the expense of the owner of the benefiting property, of service pipes originally constructed under the provisions of The Municipal Public Works Act. (p. 93)

Consolidation

(4) Consolidation with The Urban Municipality Act. (p. 91)

Local Improvements Act

X. With respect to The Local Improvements Act, the Committee recommends:

"housecleaning"

(1) Rewriting and streamlining of the substance of the statute. (p. 107)

other kinds of works

(2) Adding other kinds of works to those already in the Act which may be undertaken by the municipality and specially assessed against benefiting property. (p. 115)

replacement before expiration of "lifetime"

(3) Providing for replacement of works and local improvements before the expiration of their originally estimated lifetime. (p. 109)

consolidation

(4) Consolidation with The Urban Municipality Act. (pp. 111-112)

Civil Defence Act

Y. The Committee recommends that The Civil Defence Act be amended to provide for the granting to the minister and to the municipalities of some broad powers with respect to persons and property, such powers to be exercised by the authorities only upon proper declaration of a state of emergency. Reflection on past events reveals that municipalities in emergency situations have been compelled at times to exercise powers for which there is no statutory authority. (p. 119)

Planning and Development Act

Z. The Committee has recommended some guiding principles for the rewriting of The Planning and Development Act: (p. 123)

interdependence

(1) Recognizing the interdependence of communities and accepting the need for area-wide planning, which encompasses more than a single municipality, while appreciating at the same time the need to preserve the independence and autonomy of existing municipal units.

district planning

(2) Strengthening the district planning machinery by the creation of district planning boards as corporate bodies with power to pass bylaws.

approvals

(3) Streamlining the approval process wherever possible.

financial assistance

(4) Financial assistance to promote good planning.

Liquor Licensing Act

AA. The Committee recommends taking a serious look at the need to retain the legislation prohibiting the sale of liquor on election day. The prohibition probably is not serving any worthwhile public purpose. (p. 146)

Union Hospital Act

BB. With respect to the Union Hospital Act, the Committee recommends: (p. 171)

"burgesses"

(1) Some housekeeping changes arising from the elimination of the term "burgess" in municipal voting.

term of board members

(2) A provision in the Act that despite their appointment for a term of two years the members of the hospital board shall hold their appointment at the pleasure of the council that appointed them and may be recalled by the council before the expiration of the two-year term.

Police Act

CC. The Committee supports the request of some cities that The Police Act give them the option of appointing up to five persons (instead of three) to the board of police commissioners. (p. 156)

Tax Enforcement Act

DD. The Committee recommends rewriting the provisions of sections 21 and 30 of The Tax Enforcement Act to make it clear that payment of all arrears is necessary before a tax lien may be withdrawn, including arrears which have occurred subsequent to the filing of the tax lien. (p. 169)

Local Government Board Act

EE. The Committee recommends rewriting and consolidating The Local Government Board Act with the two related statutes, namely The Local Covernment Board (Special Powers) Act and The Local Government Board (Temporary Special Powers) Act. (pp. 147-148)

Chapter 1

TERMS OF REFERENCE

The duties of the Minister's Committee to Review Urban Law are spelled out in the Order of the Minister of Municipal Affairs dated November 15, 1977 which appointed the Committee. In general terms, the Committee was directed to study the existing statutes which have reference to the urban municipal system of Saskatchewan, and to investigate and make recommendations to the Minister regarding the consolidation and updating of such statutes.

To obtain a clear understanding of what was expected of the Committee it was necessary for the Committee to define some of the words and phrases used in the terms of reference.

Urban Municipal System

Existing provincial legislation recognizes three classes of urban municipality: city, town and village. The urban municipal system is made up of 12 cities, 141 towns and 343 villages, to which The Urban Municipality Act applies. Unincorporated communities called hamlets, which are subject to The Rural Municipalities Act, are not part of the urban municipal system.

Population statistics reveal that nearly 70 per cent of the people of Saskatchewan live in urban municipalities. The other 30 per cent reside in 299 rural municipalities established under The Rural Municipality Act and in 9 Local Community Authorities established under The Northern Administration Act.

We thus have a total of 804 municipal units - 496 urban and 308 non-urban - comprising the municipal system of Saskatchewan.

The municipal system in turn is itself a part of the local government system of the province, for in addition to the 804 general purpose municipal units described above there are numerous special purpose incorporated bodies, such as school divisions, union hospital districts, regional park authorities, health regions and regional library boards, all of which are often referred to as local governments.

Statutes

It was necessary for the Committee to determine which of the several hundred Statutes of Saskatchewan have reference to the urban municipal system of the province. The Committee discovered that there are relatively few statutes which apply exclusively to urban municipalities. They are:

The Urban Municipality Act
The Urban Municipal Elections Act
The Local Improvements Act
The Municipal Public Works Act
The Fire Department Platoon Act

However, there is a much greater number of statutes which apply to both urban and rural municipalities, such as:

The Controverted Municipal Elections Act
The Education Act
The Fire Prevention Act
The Civil Defence Act
The Tax Enforcement Act
The Planning and Development Act

In addition, some statutes such as The Local Government Board Act apply not only to municipalities but also to boards of education and other special purpose local authorities.

In its review of the statutes the Committee did not feel constrained to limit its studies to statutes which deal exclusively with urban municipalities or to those which are administered under the direction of the Minister of Urban Affairs. The Committee considered it to be within its terms of reference to examine every statute which is in any way related to urban municipal government. A schedule at the end of this Chapter lists some 98 statutes every one of which to some extent confers powers or imposes duties upon municipalities.

Consolidation

Having identified the statutes it was expected to study, the Committee next had to determine which of the statutes can be combined into a single act, i.e., consolidated.

It was noted that while Saskatchewan has two Municipal Acts, one urban and one rural, other provinces have only one municipal act which governs all classes of municipalities, both urban and rural. But in view of the recent

decision of the government to split the Department of Municipal Affairs into two departments - Urban and Rural - it was obvious that this was not the kind of consolidation that the terms of reference called for.

Unlike the situation in the case of The Education Act of 1978, which brought under one statute some 17 separate acts, there are relatively few statutes which can logically be consolidated under The Urban Municipality Act. This is due to the fact that many urban related statutes apply also to rural municipalities, school boards, etc., which are under the jurisdiction of ministers other than the Minister of Urban Affairs. Nevertheless, it was apparent to the Committee that the application and understanding of the law would be facilitated if some of the statutes were consolidated. One rather obvious need was the need to bring together the laws respecting the conduct of local elections for municipal and school purposes.

Updating

To "update" something means to keep it up with the time in style, ideas, and methods, i.e., to modernize. A substantial part of the legislation respecting municipal institutions in Saskatchewan has its roots in the Municipal Act of Ontario, which in turn is the successor to Canada's first Municipal Act, the Baldin Act of 1849. In view of the great changes our society has undergone in the past 130 years, the need to update laws founded upon century-old legislation appears at first sight to be quite evident.

It must be noted, however, that laws related to municipal government have not remained static. The Legislature of Saskatchewan adopted the first set of municipal statutes (the City, Town, Village and Rural Municipality Acts) in 1908. Since then hardly a year has gone by when the Legislature did not need to amend or revise one or more of these statutes. The Revised Statutes of Saskatchewan undergo a revision and consolidation every dozen years or so to bring the annual amendments, deletions, substitutions, etc., again under a single Act. But in the case of municipal statutes the amendments accumulate so rapidly and in such great volume that there is a necessity to consolidate these acts with their amendments not less frequently than every five years.

It is evident therefore that municipally related legislation is never static but is undergoing continuous change.

But despite numerous statutory amendments and revisions, the principles underlying our municipal statutes are the principles upon which the Baldwin Act was founded. The existing legislation, like the Baldwin Act, provides for a uniform plan of municipal government for rural and urban communities. A significant feature of this municipal system, in the words of Kenneth Crawford, is that:

> "Within the scope allowed, and the scope was extensive, the municipalities had gained the right to local self-government with a minimum of parliamentary or executive control, the elected representatives being answerable in matters of policy to their electors and in matters of law to the courts . . . That the plan was soundly conceived is evidenced by the fact that the system established in 1849 has sustained the strains of a rapidly changing economy for over one hundred years without substantial alteration in its basic features."[1]

The powers of local self-government which the legislature of Saskatchewan has conferred upon municipalities are expressed in general terms by Section 137 of The Urban Municipality Act, which reads as follows:

> "137. In matters not specifically provided for in this Act the council may pass such bylaws as are deemed expedient and are not contrary to law:
>
> (a) for the peace, order and good government of the municipality;
>
> (b) for promoting the health, safety, morality and welfare of the inhabitants thereof; and
>
> (c) for governing the proceedings of the council, the conduct of its members and the calling of meetings."

While at first sight it would appear that by virtue of this section there is almost nothing that a municipality cannot do in the interests of peace, order, good government, health, safety, morality and welfare, the fact is that there are severe limitations on the municipalities' powers to legislate in these areas. In the first place, few municipalities have the tax resources to carry out independently and completely the responsibilities involved in promoting the health, safety, morality and welfare of their inhabitants. For this reason the other orders of government, both federal and provincial, over the years have become increasingly involved in these

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[1]Kenneth Grant Crawford. Canadian Municipal Government. Toronto: University of Toronto Press, 1954, p. 32.

functions. In the second place, the courts have noted that section 137 applies only in matters (a) which are not specifically provided for in the act and (b) which are not contrary to law. To put it another way, this section does not give the council any power to pass bylaws with respect to matters which are either dealt with in the Municipal Act or are the subject of some other law.

Thus, while under the general powers given by the "omnibus" section 137 a municipality may legislate with respect to health of the inhabitants, it may do so only in respect to those health matters which are not subject to provincial and federal legislation. Similarly, while a municipality may pass bylaws dealing with the morality of the inhabitants, it has no power to legislate on matters covered by the Criminal Code (a federal statute).

As a consequence, because of increasing involvement of federal and provincial governments in matters of local municipal concern, and because of the courts' interpretations of the omnibus section referred to above, the municipalities have come to depend more and more upon very specific grants of power from the province. If a council in response to a local need desires to legislate on a matter which is not specifically provided for in the statutes, it is generally safe to assume that it does not have the power to do so. If the council goes ahead and passes the bylaw anyway, nothing usually happens until someone challenges the bylaw in court.

It is probably for this reason that SUMA (Saskatchewan Urban Municipalities Association) and individual municipalities have made representations to the Minister to "update" the Act so that the councils' powers would be clearly set out and so that it would not be necessary for them to appeal to the government so frequently for additional powers or other changes in the Act.

Although the principles underlying the existing legislation received considerable discussion at Committee meetings, the Committee ultimately took the position that "updating" the laws involved removal of obsolete and redundant material, clarifying where possible the sections which are not clear enough, introducing new sections to meet the ongoing needs of municipalities, and rewriting others to reflect current thinking with respect to the functions and powers of local government.

Items Not in Terms of Reference

As the terms of reference at first sight appeared to cover an extremely wide field, the Committee met with the then Minister of Municipal Affairs to seek some clarification of the scope of its studies. From this meeting it was determined that certain aspects of municipal government were not in the Committee's terms of reference.

It was determined that the Committee was not expected to examine and make recommendations upon the law governing provincial grants and financial relations between the province and urban municipalities. This was a field being studied by other people, in which provincial and SUMA officials were involved, leading to the adoption of the Revenue Sharing Program and to programs providing financial assistance towards municipal road ambulance services and municipal fire protection services.

It was also determined that "updating" the existing statutes did not include reorganization or restructuring of the local government system of Saskatchewan. The Committee had to assume that the existing urban municipal system, comprised of cities, towns and villages, would continue to be. Any changes in the total municipal system would probably involve rural municipalities, and it was clear from the terms of reference that the Minister did not intend the Committee to recommend changes to The Rural Municipality Act except with respect to those sections which relate to urban municipalities.

In the course of their discussion of the principles underlying the legislation respecting municipal government, Committee members were conscious of the expectations of a number of municipal people that the Committee would be able to come up with some unique concept of urban local government which would serve as a cornerstone for future legislation.

The Committee was well aware of the efforts of the Federation of Canadian Municipalities to gain recognition of municipal governments in the proposed new constitution of Canada as a third order of government, not as creatures of the provinces but as partners in the Canadian government system. However, because there is no indication that the Federation's goal is likely

to be achieved within the time span allowed the Committee to complete its task, the Committee did not take this possibility into account in its recommendations for updating the legislation.

The Committee has noted that the Federation recently modified its stand on this issue. Instead of seeking the entrenchment of municipalities' powers in the Canadian constitution, it is advocating the adoption by the provinces of provincial constitutions in which the municipalities would be granted certain as yet unspecified powers which would not be subject to alteration or abridgment by a province except through the procedure prescribed for amending the constitution. If this should ever come about in Saskatchewan it would be necessary of course to rewrite the statutes related to municipalities. Again the Committee has seen no evidence to indicate that Saskatchewan is about to embark upon the adoption of a constitution of its own. Consequently, in its approach to the task of updating the legislation the Committee had no option but to assume that the existing provincial-municipal relationships will be continued.

These relationships are based upon the premise that municipalities are created by the provincial legislature, and as statutory creatures they do not enjoy any sovereign powers of their own but may exercise only such provincial sovereign powers as may be conferred upon them by the legislature.

It may be reasonable to say that few people in this province have a better appreciation and fuller understanding of the value and importance of municipal government than do the members of the Urban Law Review Committee, for after all the Committee is comprised of persons who have been closely associated with local governments for a good number of years. But there are some "facts of life" which cannot be ignored. One of these is that whereas federal-provincial relationships represent equal dealing with equal, provincial-municipal relationships in Canada have always been cast in the mould of a superior government (the province) dealing with a subordinate (the municipality). Nevertheless, the Committee firmly holds the view that the subservient position accorded to municipalities in our hierarchy of governments in no way diminishes their value and importance. It is an undisputed fact that municipalities are a well-established part of our system of democratic government. Although constitutionally a province can completely dispense

with municipalities, it is extremely unlikely that any legislature would ever contemplate any serious abridgment of municipal powers.

Mandatory Consultation with Municipalities

Early in its studies the Committee was made aware of the hopes of SUMA and of some of our cities that the Committee would come up with a proposal for a new Municipal Act which in their estimation would "enhance the autonomy of local governments" and elevate their status to that of a partnership with the provincial and federal governments. If local governments are to be considered as a true level of government, SUMA said, they should be endowed with powers which cannot be interfered with or taken away by the provincial legislatures except by negotiation with and consent of the local governments.

More specifically, SUMA has asked for a provision in the laws of the province to the effect that before the province introduces any legislation affecting urban municipalities it will consult first with a "legislative committee" appointed by SUMA for the purpose, and presumably obtain that committee's approval before proceeding with the legislation. What SUMA is seeking is perhaps not too different from the proposal of the Federation of Canadian Municipalities for the enshrinement of municipalities' rights in a provincial constitution.

The Committee has given serious consideration to this proposal but has decided to reject it for the same reason that it has rejected the Federation's proposal: there is no evidence that the legislature of Saskatchewan or of any other province is about to abdicate its powers to create, control and regulate the powers and duties of municipal institutions.

This does not mean that the provinces will not or should not consult with municipalities on matters affecting them. SUMA in fact has emphasized that over the years they have enjoyed good relations with the provincial government, and that the Minister in fact has frequently consulted them on matters affecting urban government. What SUMA appears to be seeking is assurance that existing good relations will be continued. They feel that the good communications which they have enjoyed with the present and

and former ministers would be ensured for the future if provisions for mandatory consultation were written into the statutes.

The Committee does not underestimate the value and necessity of frequent consultations between the province and the municipal associations. However, the Committee is not convinced that such good relations can be guaranteed by any statutory provision for mandatory consultations. The Committee cannot see how such legislation if enacted would give the municipalities anything better than they already have. Although the Committee does not support SUMA in this request, it has agreed nevertheless to convey to the Minister SUMA's thoughts on this subject.

Summary

In summary, the Committee has interpreted its terms of reference to exclude from consideration any proposals for changing the constitution of Canada or for adopting a constitution for Saskatchewan. While appreciating the need for continually updating the statutes to keep the law abreast of changing times, the Committee has not considered it to be within its terms of reference to propose changes in the basic principles upon which the existing statutes are founded. Finally, it was made clear to the Committee that it was not expected to devote any time to the study of municipal finances and government grant programs, or to make proposals for reorganization of the province's local government system. Having noted all the exclusions, one might wonder what there was left for the Committee to do. The simple answer is: plenty! Urban law covers an exceedingly broad field, as the Committee found out. The following chapter describes the procedures which the Committee followed in conducting its studies to identify the areas of municipal law which need consolidation and updating.

SCHEDULE OF URBAN RELATED STATUTES

Chapter	Title of Act
A-1	Abandoned Refrigerator Act
A-17	Air Pollution Control Act
A-26	Archives Act
A-32	Attachment of Debts Act
A-34	Auctioneers Act
B-6	Border Areas Act
B-8	Building Trades Protection Act
B-9	Bulk Sales Act
C-4	Cemeteries Act
C-12	Civil Defence Act
C-13	Closing Out Sales Act
C-18	Community Capital Fund Act (also Bill 94 of 1980)
C-19.1	Community Health Unit Act
C-26	Condominium Property Act
C-33	Controverted Municipal Elections Act
D-1	Dairy Products Act
D-14	Department of Environment Act
D-15	Department of Finance Act
D-24.1	Department of Urban Affairs Act (S.S. 1980)
D-28	Direct Sellers Act
E-0.1	Education Act
E-9	Employment Agencies Act
F-13	Federal-Provincial Agreements Act
F-14	Fire Departments Platoon Act
F-15.01	Fire Prevention Act, 1980
G-3	Gas and Electrical Rates (Public Corporations) Act
H-1	Health Services Act
H-3	Highways Act
H-4.1	Home Energy Loan Act
H-9	Hospital Revenue Act
H-13	Housing and Special Care Homes Act
I-6	Industrial Towns Act
J-1	Jackfish-Murray Lake Resort Municipality Act
J-4	Jury Act
L-4	Land Surveys Act
L-18	Liquor Act
L-21	Liquor Licensing Act
L-28	Local Government Board Act
L-29	Local Government Board (Special Powers) Act
L-30	Local Government Board (Temporary Special Powers) Act
L-33	Local Improvements Act
L-34	Lord's Day (Saskatchewan) Act
M-2	Major Urban Centres Integrated Hospitals Act
M-23.1	Municipal Assessment Act (S.S. 1980)
M-24	Municipal Debentures Repayment Act
M-25	Municipal Development and Loan (Saskatchewan) Act
M-26	Municipal Employees' Superannuation Act
M-27	Municipal Expropriation Act
M-28	Municipal Financing Corporation Act
M-30	Municipal Improvements Assistance (Saskatchewan) Act
M-31	Municipal Industrial Development Corporation Act
M-32	Municipal Public Works Act
M-32.1	Municipal Revenue Sharing Act

SCHEDULE OF URBAN RELATED STATUTES (continued)

Chapter	Title of Act
M-34	Municipal Tax Sharing (Potash) Act
M-35	Municipal Unit and County Act
M-36	Municipal Water Assistance Act
N-9	Noxious Weeds Act
P-7	Pest Control Act
P-13	Planning and Development Act
P-15	Police Act
P-19	Power Corporation Act
P-29	Property Improvement Grant Act
P-30.1	Provincial Court Act
P-37	Public Health Act
P-39	Public Libraries Act
P-44	Public Utilities Companies Act
P-45	Public Utilities Easements Act
R-9.1	Regional Parks Act, 1979
R-17	Rehabilitation Act
R-18	Relief Act
R-26	Rural Municipality Act
S-7	Saskatchewan Assessment Commission Act
S-8	Saskatchewan Assistance Act
S-18	Saskatchewan 4-H Foundation Act
S-19	Saskatchewan Government Insurance Act
S-22	Saskatchewan Heritage Act
S-23	Saskatchewan Hospitalization Act
S-24	Saskatchewan Housing Corporation Act
S-29	Saskatchewan Medical Care Insurance Act
S-34	Saskatchewan Telecommunications Act
S-48	Sewage Drainage Inquiry Act
S-49	Sheep Protection and Dog Licensing Act
S-52	Snowmobile Act
S-60	Stray Animals Act
S-62	Subdivisions Act
T-2	Tax Enforcement Act
T-3	Tax Sharing (Pipe Lines) Act
T-11	Theatres and Cinematographs Act
T-24	Tuberculosis Sanatoria and Hospitals Act
U-2	Union Hospital Act
U-9	Urban Municipal Elections Act
U-10	Urban Municipality Act
V-3	Vehicles Act
V-4	Venereal Disease Prevention Act
V-7	Vital Statistics Act
W-5	Water Pollution Control Assistance Act
W-7	Water Resources Management Act
W-17.1	Workers' Compensation Act, 1979

Chapter 2

PROCEDURES

In this chapter it is proposed to outline the procedures the Committee has followed in carrying out its terms of reference and in developing its recommendations for consolidating and updating the existing legislation.

The Committee met a total of 43 times, including 33 regular meetings, 5 special meetings with municipal councils, and 5 public hearings. At the end of this chapter is a schedule showing the places and dates of Committee meetings and public hearings, and also a list of special meetings attended by the Chairman and where possible by one or more members of the Committee.

The process took the Committee through five stages:

1) interpretation of the terms of reference,
2) identification of major issues in urban law,
3) the Interim Report,
4) receiving and analyzing responses to the Interim Report, and
5) preparation of the Final Report.

As might be surmised from a reading of Chapter 1, the first few meetings of the Committee were devoted almost entirely to the discussion of its terms of reference. This was a very difficult, time consuming and at times frustrating part of the process.

After determining what it was that the Committee was expected to do, and making a general survey of the very broad field covered by urban law, the Committee attempted to identify the major issues and problems which required study. The Committee sought the assistance of various people in pointing out any troublesome or undesirable features in the existing statutes. A call for submissions together with a suggested list of topics for discussion was mailed to every municipal office in the province, to provincial associations of local authorities, and to government departments and agencies. The executive of SUMA assisted the Committee by providing time at their regional meetings for discussion of urban law and by encouraging municipal officials to submit briefs telling the Committee what changes they thought should be made in the existing legislation.

In response to these invitations the Committee received some valuable submissions from municipalities and their officials, and from others, pointing out provisions in The Urban Municipality Act and other statutes which they suggested should be looked at with a view to deleting, expanding or otherwise modifying the law. Fairly detailed submissions were received from the Cities of Regina and Saskatoon, for which the Committee is most grateful. SUMA submitted a valuable brief as well as supplying us with copies of their convention resolutions from 1970 to date.

The Committee in the course of its studies was able to read a series of discussion papers, prepared by the Chairman, with respect to:

The Rights of Electors
The Canadian Constitution
Powers and Duties of Councils
Criteria for Incorporation
Tax Exemptions
Conflict of Interest
Municipal Organization and Administration
Municipal Finance

In addition, the Committee received from Mr. E. A. Walters a paper on The Local Improvements Act, and from Mr. Walter MacNeill a fairly comprehensive paper on The Planning and Development Act. The Committee also had the benefit of a paper on provincial-municipal relations, which was prepared in the summer of 1980 by Mr. Ken Ottenbreit.

During the review of our own statutes, the Municipal Acts and related statutes of other provinces, from British Columbia to Ontario, were examined. Discussions were held with a number of provincial officials (namely the Director of Assessments, Highway Traffic Board officials, Chairman of The Local Government Board, and the Director of Emergency Measures) relative to legislation of special interest to them. A meeting was also arranged with representatives of the Investment Dealers Association for a discussion of the law respecting municipal loans and debentures.

On the basis of the above material the Committee prepared an Interim Report and in July, 1979, submitted it to the Minister.

Although the municipalities and their officials had made numerous suggestions for consideration of the Committee, the general public appeared to show little interest in any aspect of urban law. The Committee felt

that the municipal submissions alone did not cover the field adequately. For this reason, although the Interim Report was based in part on the submissions that had been made to the Committee, there were put into the Interim Report a few proposals to which the Committee was not necessarily committed but which it felt should be included to stimulate public discussion and arouse public interest in revising and updating the law.

Copies of the Interim Report were distributed to every elected urban official, and to every municipal office in the province. Copies were also distributed to newspapers published in the province and to radio and television stations, and upon request to other organizations and individuals. A "condensed" version of the report was prepared for public distribution at SUMA meetings and public hearings, and a good supply of the short version was mailed to municipal offices in areas where public hearings had been arranged.

At the 1980 convention of the Saskatchewan Urban Municipalities Association ample time was allowed on the agenda for discussion of the report, both in the separate village, town and city sessions and in the plenary session.

Several municipalities sent letters to the Committee indicating their support of or objection to the various recommendations in the Interim Report. The Town Administrators were particularly helpful in this regard.

Public hearings were held at five centres: Yorkton, North Battleford, Saskatoon, Regina and Estevan. More would have been held had there been any indication of a desire for a public hearing in any other part of the province.

Notices of each hearing were published in the newspapers circulating in the districts where the hearings were to be held, and over the local radio stations. The attendance, however, was disappointing. Municipal officials were generally well represented, but representation of non-municipal people, with one exception, was generally lacking. Only in Estevan were the municipal councils and officials outnumbered by persons who were not directly involved with municipal government. These people came to the meeting not

because they were particularly interested in municipal government but because they and their church leaders felt threatened and upset by a single recommendation in the Interim Report, namely the proposal that all property including that owned by churches should be subject to municipal taxation.

The Committee was conscious of the fact that its report and recommendations had a strong municipal bias, since nearly every one of its members was serving or had served as an elected or appointed official of a municipality. For this reason the Committee looked for and welcomed any input from persons who were not members of a council or municipal employees. Some briefs were received from non-municipal people on such subjects as shopping hours, amusement taxes and tax exemptions of church, school and hospital properties, but there was little input from the public with regard to such matters as voters' qualifications, conflict of interest, or the protection of citizens' rights.

One of the most troublesome areas in existing legislation that was brought to the attention of the Committee was in connection with the holding of the 1979 elections under The Urban Municipal Elections Act and The Education Act. Municipalities complained of inconsistencies between the Acts and of the difficulties they experienced in conducting the elections in compliance with the law.

On the recommendation of the Committee, the Minister appointed a technical sub-committee comprised of municipal, school and provincial officials to review the existing legislation and to advise the Committee on recommendations it should make for consolidation and updating of the elections procedures. There was also appointed, in the person of Mr. Lyle Bergstrom, a consultant to draft a proposed Local Government Elections Act on the basis of the Committee's recommendations.

The Committee proposed initially the drafting of a single Act that would govern <u>all local elections</u>: school, urban and rural. However, when it was indicated by the Department of Rural Affairs that that department was not prepared to support the consolidation of the law respecting rural municipal elections with the legislation governing urban and school

elections, it became necessary to include in the proposal for a single Local Government Elections Act only the law respecting urban and school elections.

Completed in June, 1980, the report on local government elections is considered to be a part of this the Committee's final report. It was submitted as a separate document in the form of a draft bill, because there is some urgency to have the new elections legislation in place well in advance of the next series of local elections which are scheduled for 1982. A draft bill was produced because the Committee had at its disposal the services of a very competent draftsman and the advice of a select group of technical personnel.

No such resources have been available to the Committee for the writing or rewriting of any other legislation. Until the Committee had examined the entire field covered by municipal legislation and until a consensus was reached on the functions of local governments and their role in modern society, it would have been somewhat premature to start drafting proposed legislation.

In preparation for the writing of the final report the Committee carefully studied the briefs, submissions and resolutions that had been received since the publication of the Interim Report. It examined in great detail the provisions of The Urban Municipality Act, The Local Improvements Act, The Municipal Public Works Act, and numerous other statutes. On three separate occasions the Committee met with the representatives of SUMA, to receive and discuss their submissions on urban law. Finally, the Committee reviewed its original tentative recommendations, and either confirmed them or made such changes as were considered desirable in the light of the responses to the Interim Report.

As indicated above, there has been no attempt to produce draft legislation other than the proposal for The Local Government Elections Act. It is anticipated that the writing of any statutes based on this report, or upon such parts of the report as are acceptable to the Minister, will be undertaken within the Department of Urban Affairs, with minimal

involvement in the future of committee members. The Committee recommends that, as in the case of the proposed elections legislation, the writing of legislation be assigned to a team of personnel with the desirable technical and legal background. Moreover, when the drafting job has been completed, it is the Committee's hope that its members will be given an opportunity to examine and to comment upon the proposed legislation before it is proceeded with.

SCHEDULE OF MEETINGS

1. REGULAR MEETINGS of the Urban Law Review Committee were held (in Regina unless otherwise noted) as follows:

1978: January 16
March 6
March 30
June 15
September 27
November 29
December 21

1979: January 29 (Saskatoon)
January 31 (Saskatoon)
February 7
February 28
April 2
April 18
April 19
May 9
May 10
May 24
June 21
July 19
October 1 (Saskatoon)
November 14

1980: February 21
March 13
April 10
April 11
April 23
April 24
May 14
May 29
June 20 (Saskatoon)
July 10
October 1
October 18

2. SPECIAL MEETINGS were held with city councils as follows:

1978: July 5 - Saskatoon
July 5 - Prince Albert
July 19 - Moose Jaw
September 27- Regina

1979: February 21 - Yorkton and district

3. PUBLIC HEARINGS were held as follows:

1980: January 3 - Yorkton
February 14 - North Battleford
February 27 - Saskatoon
March 13 - Regina
May 7 - Estevan

SCHEDULE OF MEETINGS (continued)

4. OTHER MEETINGS, attended by the Chairman and some of the Members:

1978:	June 8	- Yorkton	(Urban Administrators)
	June 12	- Weyburn	(SUMA Regional Meeting)
	June 19	- Naicam	(" " ")
	June 26	- Wilkie	(" " ")
	October 2	- Saltcoats	(" " ")
	October 16	- Gull Lake	(" " ")
	October 23	- Kenaston	(" " ")
	November 8	- Tisdale	(Administrators' Regional Meeting)
	November 18	- Fort San	(" " ")
	November 24	- Regina	(Community Planning Association)
	December 13	- Saskatoon	(Professional Planners)
1979:	January 29-30	- Saskatoon	(SUMA Convention)
	October 1	- Saskatoon	(" ")
	November 2	- Fort San	(Seminar of Regina Municipal Officials)
1980:	January 28-30	- Regina	(SUMA Annual Convention)

5. MEETINGS OF THE TECHNICAL SUB-COMMITTEE ON LOCAL GOVERNMENT ELECTIONS were held (in Regina) as follows:

1980: February 6
March 5
March 7
April 3
April 16
June 4

Membership of the Technical Sub-Committee:

Fred Howard, City Clerk, Regina
John Kolynchuk, City Clerk, Saskatoon
Nick Federko, Secretary-Treasurer of Shamrock School Division No. 38, Foam Lake
Lloyd Kreutzweiser, Retired, Saskatoon
Fred Sutter, Town Administrator, Esterhazy
Ken Kirby, Department of Education, Regina
Dickson Bailey, Chief Electoral Officer, Regina
Bob Blackwell, Department of Urban Affairs, Regina
Consultant: Lyle Bergstrom, Regina

Chapter 3

FUNCTIONS OF LOCAL GOVERNMENT

The Committee could not undertake the task of revising legislation without endeavouring first to obtain an understanding and appreciation of the purposes for which local governments were created, and agreeing upon some objectives and guiding principles for its work.

In its search for the purposes of local government the Committee found general agreement in the statement that the prime function of local (municipal) governments is to serve their inhabitants by passing laws and providing amenities that will enhance the quality of life in the community and create a safe, decent, comfortable, clean environment in which to live and work.

Among municipal service functions are what are sometimes referred to as housekeeping services: street construction and maintenance, operation of water and sewer systems, provision of recreational facilities and services, the collection and disposal of solid wastes (garbage), and fire fighting services.

In addition there are non-public works aspects of local government which merit strong emphasis. These include such matters as licensing of businesses, regulating the uses of land and the construction of buildings thereon, determining the hours and days during which shops may be open or shall be closed, setting the speed limits on streets, and prohibiting or regulating the keeping of animals within the municipality. Whenever a council passes a bylaw to licence, regulate or prohibit any activity it is exercising the police powers of local government.

In all these matters councils have wide discretionary powers. They may or may not maintain a fire department; they may or may not require the owners to licence their dogs; they may or may not carry out a regular snow removal program. The council determines the frequency of garbage collection; the council sets the rates that water and sewer users shall pay, and where necessary the council may prohibit the use of water to sprinkle lawns and gardens on certain days of the week. The council also

determines the tax rates to be levied annually against the owners of land, buildings, and businesses in the municipality.

There is another category of local government functions related to serving the inhabitants, which are not subject to the discretion of the council. These are functions which the legislation says the councils shall perform. In other words they are mandatory duties rather than discretionary powers.

Examples of such duties are not hard to find. Although the title to streets and roads is in the crown and The Urban Municipality Act says among other things that the streets and highways within the municipality are under the control of the council, the Act says that the council shall keep them in a reasonable state of repair. Another statute, The Education Act, says that the council of every municipality shall levy taxes for school purposes at the rates determined by the board of education. The Police Act, The Fire Prevention Act, the Public Health Act and several other statutes likewise impose upon municipalities and their officials various duties and responsibilities. All of these are mandatory functions which the municipalities have no choice but to perform as directed by the legislature.

It must be noted that under some statutes, such as The Saskatchewan Housing Act and The Saskatchewan Assistance Act, the duties are not mandatory but may be assumed by a municipality by agreement with the province. In either case, whether by legislative edict or by agreement, to the extent that municipalities are performing duties imposed upon them by the legislature, the municipalities in effect are acting as agents of the province.

Municipal people are frequently heard to express grave concern at the trend toward "erosion" of municipal powers and loss of local autonomy due to the intrusion of federal and provincial governments into functions which traditionally have been considered as matters of purely local concern and local responsibility. Health care and social welfare can be cited as examples of services to the people which have been taken over almost completely by the senior governments. This happened because only the federal

and provincial governments have access to the tax resources to finance the quality and quantity of services which our people need and expect. Needless to say, when the senior governments assumed responsibility for these functions from the municipalities, the municipalities were not unhappy to be relieved of the burden despite the resulting loss of some local autonomy which this involved.

What really bothers municipal people is the fact that even in the so-called local "housekeeping" services the municipalities are not completely autonomous. For example, although the legislature has placed streets and roads under the control of municipalities, council cannot set the speed limits or put up traffic signs without first going to the Highway Traffic Board for approval of its bylaws. If a council wishes to close a street, it must first obtain the approval of the Minister of Highways and Transportation. To install a water or sewer system, approval of the plans must be obtained from the Department of the Environment. Shop closing hours, although a matter of considerable local concern, are subject in the first instance to provincial legislation, and council may regulate shopping hours only within the limits allowed by the province. And where the province provides financial assistance to a municipality toward a specific service or facility, the province usually determines the standards which the municipality must meet as a condition of the grant.

Despite the provincial presence and involvement in a number of local matters, it is not likely that any province will ever want to take over complete responsibility for running the local water and sewer systems, collecting garbage, or maintaining local streets. There are many local issues that are best settled at the local level by local people, leaving the provincial government free to concentrate on matters of province-wide concern. Where a service is managed by the central government, such as the supply and maintenance of power, gas or telephone services, the services have to be administered uniformly on a provincial basis in accordance with policies determined by the relatively distant provincial government. But communities like people are not all alike. Rarely do uniform policies have sufficient flexibility to accommodate the differences among communities

or reflect the wishes and priorities of the people living in those communities.

The most frequently heard complaint about provincial involvement in local matters is the length of time it takes to process an application for approval of traffic bylaws or planning bylaws. The Committee appreciates the fact that in a great many instances the provincial government is involved in the approval of local decisions because it has an overriding interest in a great number of matters. For example, because where a municipality discharges its sewage has an impact on its neighbors, the province must ensure that municipal sewer and water plans do not conflict with the rights of other people to enjoy a clean environment. The Committee appreciates the fact that there are compelling reasons for maintaining provincial control over a good number of local activities. It feels that in the majority of cases of municipal frustrations over the length of time it takes to obtain government approvals, it is not necessarily the law that is at fault. More often than not it is evidence of an administrative problem due either to lack of competent staff in the provincial offices to handle the workload, or due to inadequate preparation of the application by the municipality in the first place.

The fact remains that in a great many local matters the decisions taken by the municipal council are not subject to any form of provincial approval or review. Within the powers granted them by the legislature, and these powers are extensive, their bylaws have the force of provincial law behind them. In matters of policy, councils are answerable to the electorate; in matters of law, to the courts.

The subordinate legal and economic status of municipalities in relation to the province tends to obscure the fact that municipalities are much more than hewers of wood and drawers of water. In the course of carrying out the duties imposed upon them by the legislature and performing the services demanded by the local citizens, municipalities fulfill a third function in democratic society. They provide for the actual exercise of democracy at the local level. They demonstrate that local government is self-government in which local affairs are run by local people.

More than one writer has stated that although constitutionally it is possible for any provincial government to take complete control over the running of local affairs, local democracy is now so firmly established in popular estimation that no legislature would think of using its constitutional powers to abridge it seriously. In the words of Crawford:

> "No small part of the contribution which local government makes toward maintaining a democratic form of government lies in the constant resistance, sometimes apparently perverse and unreasonable, which it offers to the trend toward over-centralization in the higher levels of government. Even though at times the resistance of local authorities to the policies of higher levels of government may appear to be unreasonable and motivated by narrow self-interest it has somewhat the same value as the resistance of the Opposition in requiring the Government to justify its proposals and to weigh more carefully the implications of its policies before they are proposed."[2]

"Government" in its broadest sense may be defined as the exercise of power by the few over the many. Concentration of economic and political power is abhorrent to the concept of democratic government. Local government - grass roots democracy - implies a division of power. Theoretically, division of power promotes the three basic values of the democratic creed: liberty, equality, and welfare. Division of power promotes liberty by protecting individuals and groups against arbitrary government action. It promotes equality by providing broad opportunities for citizen participation in government. Finally, division of power promotes society's welfare because the people in power, being more accessible to those governed, are by force of circumstances compelled to be responsive to the needs of the citizens.

While in theory the separation of authority among federal, provincial and local governments in highly desirable in the interests of democracy, Canada's history over the past hundred years demonstrates that dividing the powers of government is not a simple matter. Indeed, as interdependence increases among communities, and among regions, provinces, and nations, it is becoming increasingly more complex.

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[2]Kenneth Grant Crawford. Canadian Municipal Government. Toronto: University of Toronto Press, 1954, p. 8.

The Committee therefore has had to accept as one of the facts of life that due to the interdependence of communities, regions and provinces there are relatively few matters with respect to which municipalities, or for that matter the provinces, may legislate without regard to the other orders of government. Complete separation of local government powers from provincial powers, with no overlapping of jurisdiction, no matter how desirable it may be, is not a realistic goal capable of achievement in today's world. The fact is that all three levels of government are involved in legislating for the peace, order and good government of communities, and in promoting the health, safety, morality and welfare of their inhabitants. The solution, therefore, is not complete autonomy but co-operation between governments, with each order of government doing those things which it is best able to do most effectively.

There are sound reasons why, despite their lack of complete autonomy, municipalities continue to command unquestioning recognition as vital units of our democratic system of local government. From the standpoint of the provincial and federal governments, local governments are needed because they assist central government in achieving their objectives, by providing a basis for senior government involvement and investment in community development.

The provincial revenue sharing program has perhaps done more than most government programs to enhance local autonomy. But even where provincial or federal financial support for local projects is subject to standards and conditions imposed by the senior governments, there is some flexibility built in to facilitate the settlement of local problems on a local basis by local people, leaving the other levels of government free to concentrate on development of policies of wider concern.

The Committee's investigations of the role of local governments in democratic society have brought it to some general conclusions. The first of these is that there is very little public demand for sweeping changes in our local government systems.

Despite some calls in general terms for legislative changes to make municipalities more autonomous and less subservient to the province, there

were no concrete proposals showing just how this can or should be done. Municipalities are not as much concerned with their theoretical relationship with the province as they are with obtaining more money from the province to satisfy the needs of the local people.

The recommendations for change contained in this report can hardly be described as of earthshaking consequence. However, as one member put it, great changes in the course of history have seldom come as sudden bursts of light. They come over a period of time in bits and pieces.

The Committee has also concluded that because of the interdependence among all levels of government, it is seldom possible to identify areas of purely local concern over which municipalities may be given exclusive sovereign power.

Although most municipalities readily accept the fact that there is seldom such a thing as complete autonomy for any class of local government, they do become irritated at times by what they consider to be too paternalistic an attitude of the provincial departments.

In response to suggestions the Committee has seriously inquired into the possibility of defining municipal powers in such broad terms that it will not be necessary for the municipalities in the future to repeatedly go to the province for amendments to the Act. Some would like the province to define its own sphere of power, leaving the rest (the residual powers) to the municipalities. Our investigations have led to the conclusion that no provincial or other jurisdiction in recent times has attempted to do this, and nobody knows how it can be done.

A number of individuals have expressed disappointment at the failure of the Committee in its Interim Report to propose a completely new philosophy of local government. They seem to think that a province which historically has been leading the rest of Canada in the development of innovative ideas for the provision of public services should have been able to come up with a new and more exciting concept of local government.

These individuals expressed concern that instead of proposing a completely new Act based upon some new philosophy the Committee was merely recommending band-aid treatment on the old Act. They felt that updating the law meant much more than giving the "cut-and-paste" treatment to the existing legislation, that is, examining the laws of other provinces, clipping out the best sections and pasting them into our own Act.

One should not disparage the use of the cut-and-paste method. It means that the basic structure of the Act, which has survived for many decades, will remain unchanged. The numerous amendments over the years have been of the cut-and-paste type, designed to deal with specific sections to take care of situations or problems which the original legislation did not provide for.

It should be pointed out, however, that the amendments in the past have been done on a piecemeal basis. In this study the Committee has attempted a comprehensive review of the whole Act and related legislation.

One should not scoff at the cut-and-paste method. The process may appear to be very simple, but it is not as easy as it seems. It takes a lot of technical expertise; it is a tedious and very time-consuming exercise.

Taking the foregoing analysis and conclusions into consideration, the Urban Law Review Committee approached the task of revising, updating and consolidating existing legislation, with the following objectives in mind.

1) The legislation should facilitate the provision of local services by local people at the discretion of their elected representatives in accordance with the wishes of the electorate, with a minimum of provincial interference, direction or control.

2) It is necessary to remove any outdated obsolete provisions in the law which are no longer relevant, picayune or unnecessary paternalistic sections, or unnecessary detail.

3) Wherever possible, the legislation should broaden the scope of local government authority, i.e., give municipalities political independence to govern their own affairs.

4) The Committee should question the necessity of every instance in the existing legislation of ministerial supervision or approval, and retain such in the statutes only where it can be clearly justified by some overriding provincial concern.

5) The law must insure that the rights of citizens are protected, i.e., the right to adequate representation, to vote, to be informed, to be protected against discrimination, etc.

6) The legislation should anticipate and provide for intergovernmental co-operation.

7) The legislation should provide for flexibility in application of the law to accommodate community differences on account of size or different historical or cultural backgrounds.

8) The law should leave as many matters as possible to local discretion by authorizing a number of options where possible, thereby giving communities political independence to govern their own affairs.

9) Insofar as possible, the law should be expressed in simple language.

10) The legislation should recognize local governments as responsible bodies competent to discharge their own functions: and that though they are statutory bodies and though they are operating with government funds to a large extent, they exercise their responsibilities in their own right, not ordinarily as agents of the province.

Chapter 4

RECOMMENDATIONS RESPECTING THE URBAN MUNICIPALITY ACT

This chapter contains the Committee's recommendations for rewriting and updating The Urban Municipality Act.

Unlike the report on The Local Government Elections Act, which was complete to the point of presenting a full draft of the proposed Act, this report does not contain a draft Urban Municipality Act. During its review of the Elections legislation the Committee had the assistance and advice of a technical sub-committee and the services of a very competent draftsman, in the person of Mr. Lyle Bergstrom, for the writing of the proposed Act. These resources were put to use because there appeared to be some urgency in getting the new elections legislation in place in time for the next set of regular municipal and school elections which are to be held in the fall of 1982.

There were not the same time constraints in regard to the preparation of a new Urban Municipality Act, except for a few relatively minor matters which can be taken care of by amendments to the existing statute. The Urban Municipality Act is a very long statute, and is considerably more complex than the act respecting urban elections. Consequently, the work on this Act is not as far advanced. However, the Committee has completed a section-by-section review of the whole Act and the purpose of this chapter is to identify those sections the Committee would like to see changed. It will be noted that the existing Act contains 425 sections, and that there are 147 recommendations for change. No attempt has been made to draft a proposed Act. This will be the next step, on the basis of such recommendations contained herein as are acceptable.

The Committee recommends, among other things, the consolidation of The Municipal Public Works Act and The Local Improvements Act with The Urban Municipality Act. Recommendations on the content of the first two mentioned statutes will appear as Chapters 5 and 6 of this report, under the titles "Public Utilities" and "Local Improvements" respectively.

The Committee has given some thought to possible improvements in the classification and arrangement of the various subjects covered by The Urban Municipality Act. The existing legislation is divided into six broad subject areas, as follows:

Part I - Incorporation, organization and change of status
II - Municipal Government
III - Powers and Duties of Council
IV - Finance
V - Assessment and Taxation
VI - Miscellaneous

Although the Committee has found little fault with the order in which the various subject matters are arranged in the present Act, it is suggested that with bringing two more parts into the Act (i.e., public utilities and local improvements), the new Act can be divided into eleven major subject areas, as follows:

Part I - Interpretation
Short title, definition of words and phrases used in Act

Part II - Incorporation, Organization and Change of Status including procedures for annexations and other boundary changes

Part III - Council (the Legislative/Executive branch of a municipality)
Constitution of council; qualifications and disqualifications
Remuneration of members
Meetings, procedures, committees
General powers and duties; how exercised; bylaws, resolutions
Powers re fines and penalties

Part IV - Officials and Employees (the Administrative branch of a municipality)
Mandatory appointments: clerk, treasurer, assessor, auditor
Their appointment, qualifications, statutory duties
Discretionary appointments: chief administrative officer, solicitor, engineer, etc., their appointment, powers and duties
Boards and commissions: appointment, powers and duties

Part V - Powers and Duties of Council, with respect to:
Licensing of businesses, etc.
Regulation of shopping hours
Buildings and building nuisances
Business improvement districts
Highways and public places

Part VI - Public Utilities
Powers of council to acquire, operate, etc.

Part VII - Local Improvements
Powers of Council to undertake
Procedures

Part VIII - Assessment
Rules for determining assessed value
Appeal procedures

Part IX - Taxation
- Properties exempt from taxation
- Tax Roll; tax collection
- Non-property taxes; amusement tax, etc.

Part X - Finance
- Budgets, operating and capital
- Borrowing powers and procedures
- Special funds

Part XI - Miscellaneous
- Actions by and against municipality
- Inquiries and Investigations

Rec. No.	Subject	Section	Recommendation	Reasons for Recommendation
1	Burgess	2(b)	Delete definition of "burgess".	As indicated in the proposal for The Local Government Elections Act, ownership of property should not give an elector any special voting privileges. It has been proposed that the right to vote at municipal elections and on municipal questions and bylaws be given to all residents who are at least 18 years of age and are Canadian citizens.
2	Manager	2(e)	Redefine "manager" to include municipal manager, administrator or administrative officer of a town as well as of a city.	Existing legislation permits only cities to appoint a manager. It is proposed that towns, too, be permitted to appoint a manager. In any event, the functions of the positions of manager, administrator or chief administrative officer are similar, depending upon the duties and powers assigned to that position by bylaw.
3	Clerk	2(f)	Redefine "clerk" to include the clerk of a village.	Existing legislation directs city and town councils to appoint a clerk, and village councils to appoint a secretary treasurer. It is proposed that all three classes of municipalities have a clerk, in the interests of uniformity and simplification of the law.
4	Elector	2(h)	Redefine "elector" by reference to The Local Government Elections Act.	It has been proposed that The Local Government Elections Act be adopted for future elections, thereby repealing The Urban Municipal Elections Act.
5	Referred bylaw	2(w)	Redefine "referred bylaw" by omitting any reference to burgesses.	See comments respecting Recommendation No. 1 above.

6	Resident	2(x)	Redefine "resident" by reference to the rules of residence set out in the proposed Local Government Elections Act.	As a person's residence determines where he may vote, a definition of "residence" has been included in the proposed Local Government Elections Act.
7	Treasurer	2(dd)	Redefine "treasurer" to include a village treasurer or clerk-treasurer.	In the interests of uniformity, it is proposed that the position of village secretary-treasurer be deleted from the Act. See comments respecting Recommendation No. 3 above.
8	Voter	2(ee)	Redefine "voter" by deleting reference to "burgess".	In compliance with Recommendation No. 1, a voter should be defined as a person who is an elector and who is qualified to vote at municipal elections and on bylaws and questions.
9	Member		Define "member" or "members", when referring to a member or members of council, to include the mayor.	A definition is needed to improve clarity.
10	Alderman in towns and villages.	2(g)	Define "alderman" to include a councillor in a city, town or village.	Existing legislation permits only cities to call a councillor "alderman". Town and village officials have expressed the view that they, too, should have the option of addressing or referring to their councillors as aldermen. They point out that because a rural municipality council is composed of councillors and a reeve, town and village councillors are sometimes mistaken for rural councillors.

Rec. No.	Subject	Section	Recommendation	Reasons for Recommendation
11	Chief administrative officer, or administrator performing duties of clerk or treasurer	2	Include in the definition of chief administrative officer, administrator, and manager a provision to the effect that where council by bylaw has assigned to that position the duties of a clerk, treasurer or assessor, he may under the title of chief administrative officer, etc. perform all the duties of the clerk, etc. assigned to him.	The Urban Municipal Administrators' Association has indicated that town administrators sign their names as administrators to documents which the legislation says shall be signed by the clerk or the treasurer or assessor, as the case may be, and they fear that the legality of the signature may some day be questioned. To remove any uncertainty, the Act should contain a clause to the effect that an administrator, etc. may do anything that by this or any other Act is to be done by the clerk or by the treasurer.
12	Regulations and Forms	2	Add the following clauses to the Interpretation Section: (1) Upon the application of a municipality only the Lieutenant Governor in Council may make regulations providing for any matter not provided for or insufficiently provided for in this Act but any regulation so made ceases to have any effect after the last day of the next ensuing session of the Legislature. (2) The minister may make regulations prescribing forms to be used under this Act.	
13	Criteria for incorporation	10(1)	Revise this subsection to read as follows: (a) No portion of the province may be incorporated as a village unless it meets all of the following conditions: (i) The area is subdivided into lots and blocks, etc., a plan of which has been registered in the land titles office; (ii) The area is not contiguous to an existing city, town or village;	In comparison to other provinces, Saskatchewan has the lowest standards for the incorporation of villages, towns and cities. On a functional (service centre) basis, there is little to distinguish a village from a town or a town from a city. It is proposed that the above criteria apply only to future incorporation. Existing towns and cities which do not meet the proposed criteria would not revert to a lower status unless they request it.

			(iii) The area contains not less than 75 separate buildings each of which has been continuously occupied as a dwelling for a period of not less than six months immediately prior to the receipt of the petition for incorporation; and (iv) The area has a population of 500 or over and a taxable assessment of $500,000 or over. (b) No village shall be formed into a town unless it has a population in excess of 1,000 and a taxable assessment in excess of $1,000,000; and (c) No town shall be formed into a city unless it has a population in excess of 10,000.	
14	Incorporation fees	10	Delete subsections (2)(b), (3)(b), and (4)(b) which stipulate a fee of $50, $100, and $250 to accompany an application for incorporation of a village, town and city respectively.	The statutory fees do not contribute any signficant amount of revenue to the province. Applications for incorporation do not appear to place any great financial burden on the province, for it is the municipality, not the province, that pays for the advertising and posting of notices, and the costs of conducting a vote on the question.
15	Publication of Notice in Summer Resort Village	13 14	In the case of summer resort villages, provide for mailing of notices to assessed owners instead of or in addition to posting of notices.	Except in the summer months, there is usually nobody around to read the notices which may be posted in a summer resort village.
16	Population Census	16(2)	Change "five hundred" to "one thousand" and "five thousand" to "ten thousand".	To conform to recommendations for new criteria for incorporation of villages, towns and cities.

Rec. No.	Subject	Section	Recommendation	Reasons for Recommendation
17	Vote on Incorporation	17	Substitute "The Local Government Elections Act" for "The Urban Municipal Elections Act" wherever it appears in this section.	This change would be made necessary by the adoption of proposed Local Government Elections Act.
18	Qualifications of voters	17(3)(b)	In place of "owners or occupants of land in the area concerned and the resident spouses of any such persons", say "persons of the full age of eighteen years who actually reside within the limits of the proposed village".	The intent is to give the right to vote on the proposed establishment of a village to all electors as defined in the Urban Act. However, since the people concerned are in a rural municipality, and the Rural Municipality Act definition of elector is different, it seems best to spell out the full qualifications of the voters as was done in section 10(2)(a) with respect to petitions.
19	Resort villages Definition of "resident"	20	Revise definition to conform to The Local Government Elections Act.	As a general principle it is recommended that three months residence rather than property ownership be considered the qualification of a voter, but it is necessary to deviate from this principle in the case of summer resort villages. It is recommended that for the purposes of voting in summer resort villages a "resident" is any person who has actually resided there for 60 days OR is the owner or purchaser of real property in the said village.
20	Petition for annexation	22	Change "two-thirds of the adult inhabitants who are householders" to "two-thirds of the persons of the full age of eighteen years who actually reside".	See comments under Recommendation No. 18.

21	Alteration of Boundaries	23	Amend this section to provide for service of a notice of intention to the rural municipality and for giving the rural municipal council an opportunity to be heard with respect to the application by the urban municipality for annexation of rural territory.	This change was requested by a resolution of SARM passed at their 1980 Convention.
22	Reversion of status	25(1)	Rewrite this subsection, giving the following reasons for reversion: (a) when requested by council; or (b) if the conditions for incorporation no longer exist; or (c) if a majority of the electors of the municipality voting upon the question is in favor of the change; or (d) if there has been a failure to elect a council, or if the municipality has failed to carry out the requirements of The Urban Municipality Act or The Local Government Elections Act.	Reasons (a) and (b) are in the existing Act. The Committee wishes to make it clear that if the recommended criteria for incorporation are accepted, it is <u>not</u> the Committee's intention that existing cities, towns and villages which do not meet these criteria should revert to a lower status. Reversion of status should continue to be at the discretion of the Lieutenant Governor in Council, and normally at the request of the municipality concerned.
23	Composition of Council	31(1)(a)	Rewrite this clause to say that the council of a village shall consist of a mayor and two councillors, but the council may by bylaw increase the number of councillors to four.	The change would remove the conditions related to population and water and sewer installations, and leave the decision to the local people. The reference to Local Government Board approval of water and sewer installations is irrelevant, for there are systems installed which did not require Local Government Board approval (e.g., in former hamlets, where costs were prepaid and no borrowing was involved.)

Rec. No.	Subject	Section	Recommendation	Reasons for Recommendation
24	Election of two councillors per ward	31(2)	Revise subsection 31(2) as passed in 1980 to give the cities which elect council members by wards the option of electing two councillors from each ward if they choose to do so.	
25	Election of some councillors by wards, and some at large	31 32	Rewrite to provide authority for cities to elect some of their council at large and some by wards, as an option to the election of all councillors by wards or all councillors at large. Where a part of the council is elected by wards and a part at large, all members should have equal status.	The Committee is opposed to the "board of control" concept found in Ontario, where council members elected at large are called "controllers" and exercise powers and perform functions which council members elected by wards may not exercise or perform. However, the Committee recommends that if any city wishes to elect some of their councillors at large and some by wards, it should be permitted to do so.
26	Persons eligible for council	39(1)	Remove reference to resident elector and resident burgess, and to ability to read and write. Simply say that every person who is an elector of the municipality and is not subject to any disqualification is eligible for election to council.	This recommendation conforms to The Local Government Elections Act definition of elector. Ability to read and write is so universal that it is taken for granted.
		39(2)	Rewrite to conform to definition of elector of summer resort village.	
27	Disqualifications	40(1)	Delete the word "nominated". The grammar would be improved if the clause read: "Subject to subsection (2), a person is not qualified to hold office as a member of the council if he is . . ."	The law respecting disqualifications for nominations is covered in section 12(1) of the proposed Local Government Elections Act. The Urban Act should deal only with disqualifications after a person has been elected to council.

28	Contracting with municipality	40(8)	Existing provisions of this subsection apply only to towns and villages, but it is recommended they be extended to apply to all municipalities including cities.	Responses to the Committee's interim recommendation on this subject were mixed. A resolution to relax the prohibition against contracting was defeated at the 1980 SUMA Convention. Nevertheless, the officials of some cities (particularly North Battleford and Lloydminister) appear strongly to favor such relaxation. The Committee takes the view that if the three conditions contained in this clause can be met, and the goods or services are not readily available from some other person in the city, the city council should be given the freedom now enjoyed by the councils of towns and villages.
29	Definition of "current year"	41(8)	Redefine "current year" for the purposes of sections 42 to 46 to mean the period of twelve months ending on December 31st, except in the summer resort villages where it means the period of twelve months ending July 31st.	To conform to the terms of office proposed in The Local Government Elections Act and in section 42 of The Urban Municipality Act.
30	Election of Mayor and Council	42	Rewrite to provide for: (a) triennial elections and concurrent terms for council members of all municipalities; and (b) the new council assuming office in January following the regular election.	As proposed in The Local Government Elections Act.
31	Emolument prohibited	43 69	Rewrite by combining these two sections. To the exemptions provided for in section 69 add: remuneration paid to council members on the executive committee where one has been appointed.	These two sections deal with the same subject and therefore should be combined.

Rec. No.	Subject	Section	Recommendation	Reasons for Recommendation
32	Declaration of vacancy	45 48	Combine these two sections. Rewrite to say that where a member is disqualified for the reasons enumerated in section 45, he shall forthwith resign his seat on the council. If he does not resign within 10 days, any elector, or the council, may apply to a judge for an order declaring the seat to be vacant.	Existing legislation appears to compel the council to fill the role of both prosecutor and judge. The court rather than the council is the proper body for applying the law on the basis of the evidence presented to it and deciding whether or not to declare the seat vacant.
33	Election to fill vacancy	46	Rewrite subsections (2) and (4).	The proposed Local Government Elections Act provides for triennial elections in all municipalities.
34	Power of Minister to appoint councillors, etc.	49(1)	Delete "In the case of towns and villages" so as to make this section consistent with section 19 of The Department of Urban Affairs Act.	The Committee feels that cities should also be included. However, it is recommended that the legislation authorize the minister to exercise these powers only for a good reason, not just for any reason, such as where he is satisfied that the affairs of the municipality have been managed in an irregular, improper or improvident manner. The Committee has noted that local authorities in financial difficulties are also subject to The Local Government Board (Special Powers) Act, which may recommend to the Lieutenant Governor in Council the appointment of an administrator.
35	Quorum	50	Add that where no quorum is present the only business that may be transacted is to set the date for the next meeting. Also, where the number of members is reduced to less than a quorum, the minister may declare that the remaining members constitute a quorum until elections have been held to fill the vacancies.	The proposed changes would remove uncertainty and provide some flexibility.

36	Meetings of Council First Meeting	51(1)	Amend to require the holding of the first meeting following a regular election on or before January 10th. Make clear that despite the provisions of this or the Elections Act which say that the terms of office expire December 31st the old council continues in office until the new council holds its first meeting.	Conforms to the proposed Local Government Elections Act. There is considerable support among the municipalities for returning to the former practice of councils assuming office in January. Remove uncertainty.
37	In camera meetings	51	Add the following after subsection (4): "(5) Notwithstanding subsection (4), where a majority of the members present is of the opinion that it is in the public interest to hold a committee meeting of the whole or part of the council on any subject in private, a council may by resolution exclude any person or persons from the meeting, but it has no power at such committee meeting to pass any bylaw or resolution apart from the resolution necessary to revert back to an open meeting."	People are demanding more "openness" in government at all levels. Although the Committee appreciates that certain matters (personnel, contract or land negotiations, etc.) must be discussed in private in the best interests of the citizens, it feels that councils sometimes forget that the main purpose of a meeting of the committee of the whole is to enable the rules of debate governing regular meetings to be relaxed. Committee of the whole meetings should not be considered as always closed meetings. The proposed legislation would make such meetings open meetings unless a prior resolution has been passed in council declaring the meeting closed for discussion of a specific matter.
38	Seconding of motions in villages	58	Insert after the word "villages" the following: "where there are only two councillors".	This section was written when all villages had only two councillors and a mayor. There are now some villages with four councillors and a mayor.

Rec. No.	Subject	Section	Recommendation	Reasons for Recommendation
39	Public meetings	59	Delete the word "burgesses".	Burgesses under the proposed Local Government Elections Act are not recognized as a special class of voters.
40	Petition for public meeting	60	Rewrite to say that the mayor shall call a public meeting for the discussion of any municipal matter when requested to do so by a petition signed by electors equal in number to at least 5% of the population.	The references to burgesses are irrelevant under the proposed new legislation.
41	Powers and Duties of Mayor	55 61 62 63 64 65 66	1. Consolidate and rewrite these sections. 2. Define the mayor as "the head of council and chief officer of the municipality". 3. Add a provision that in cities where the council has by bylaw established an executive committee, the mayor shall appoint the members (of council) thereof. 4. Define "officer" to include the mayor, the deputy mayor, the manager or commissioner if any, the clerk, the treasurer, and also any other employee of the municipality who is designated as an officer thereof by bylaw of the municipality.	The mayor has numerous statutory duties but few powers which he may exercise without council. The Committee's interim proposal that the mayor be given power by statute to defer action on a bylaw or resolution until it has been reconsidered by council, received no public support. The appointment of council members to the executive committee appears to be one function which the mayor is the most appropriate person to perform.
42	Remuneration for members of council	43 67 68 69	Combine sections 43, 67, 68, and 69. Rewrite as follows: 1. No member of council is eligible for appointment to any municipal office other than that of mayor, deputy mayor or acting mayor, and except as authorized by this Act. No member shall receive any remuneration, emolument or other payment in respect of his services as a member.	Existing legislation, particularly subsection (2) of section 68, is considered too paternalistic. The intent of the revision is to give more discretionary powers to council.

			2. The council may provide for payment to each member of such remuneration as shall be fixed by bylaw for attending meetings of council and committees thereof, and for assuming or performing any additional duties, and the bylaw may provide that one-third of such remuneration shall be deemed to be for expenses incident to the discharge of his duties as a member. 3. The council may provide for the payment of reasonable allowances for travelling and for subsistence and out-of-pocket expenses incurred in attending conferences and other meetings affecting the municipality, which shall be paid to members in the manner and at the rates provided by resolution.	
43	Group insurance	70	Rewrite this section as follows: "The council may provide for any or all of the members any benefits that may be provided for the employees of the municipality under section 305A."	Existing legislation, in the view of some councils, is too paternalistic. Section 305 deals principally with superannuation benefits, but it also includes a plan of group insurance. It is proposed to take the group insurance provisions out of section 305 and include them in section 305A. Removal of the statutory limit on the amount of insurance, or the kind of insurance (life, accident, disability, public liability, property damage) that may be contracted for, will give to councils more discretionary powers than they now have.

Rec. No.	Subject	Section	Recommendation	Reasons for Recommendation
44	Appointment of clerk, treasurer, assessor	78(1)	Revise subsection (1) to read: "The council shall appoint a clerk, a treasurer and an assessor,"	Under existing legislation villages must appoint a secretary-treasurer. Under proposed legislation villages would appoint a clerk and a treasurer.
		78(4)	Delete this subsection.	Appointment of administrators is covered by another section (see Recommendations No. 11 and 57).
45	Qualifications of town clerk or treasurer	79	Change "two thousand" where it appears in subsection (1) to "one thousand".	The Urban Administrators' Association has requested that the hiring of only certificated personnel for these positions be mandatory in towns with a population of over 500. Existing legislation applies only to towns with a population of 2,000 or over.
46	Liability of officers, etc.	84(1)	Delete subsection (1).	Section 84 appears to be a combination of section 57 of The City Act of 1965, and section 170 of The Village Act of 1965. These two sections were combined and appear as subsections (1) and (2) respectively in section 73 of The Urban Municipality Act, 1970. There does not appear to be any good reason for keeping both of them in the Act. It is recommended that subsection (1) be deleted, and that subsection (2), which is much easier to understand, be retained.
47	Duties as Clerk	87	Add the following duties: (e) Enter in the minutes of every meeting the name of the members of the council present at the meeting.	Additions are recommended to clarify and update the law.

			(f) Record in the minutes every declaration of conflict of interest made by a member of council. (g) Perform such other duties as may be assigned to him by council. The section should also state that in a municipality where the clerk is provided with assistance in recording the minutes and performing other duties, the clerk shall cause to be recorded, etc.	
48	Duties of Treasurer	89 90 91	Consolidate and rewrite these sections to say that the Treasurer: (a) shall collect, receive and safely keep all moneys belonging to or accruing to the municipality and issue or cause to be issued receipts therefor; (b) shall deposit or cause to be deposited daily or as often as the council may direct all moneys received by him in a chartered bank or credit union designated by council; (c) may, with the approval of the council, authorize any department of the municipality to deposit directly the moneys it receives; (d) shall pay all accounts which are a proper charge against the municipality to such persons and in such manner as is directed by law or by the bylaws or resolution of council; (e) shall, unless otherwise provided by resolution of the council, together with the mayor or such other person as the council may appoint, sign all necessary cheques;	The draft legislation in the column to the left differs from the existing legislation in the following respects: (a) The detailed (paternalistic) directions as to where and how frequently funds shall be deposited, have been revised and shortened. (b) The treasurers' duties in sections 89, 90, and 91 have been consolidated into a single section. (c) The qualifying phrase "incorporated under The Credit Union Act or any former Credit Union Act" is redundant and has been deleted.

Rec. No.	Subject	Section	Recommendation	Reason for Recommendation
			(f) shall keep and make use of such books of record and account as the minister or the council shall require him to keep and use; (g) shall submit to the council monthly or at such other intervals as council may prescribe a correct statement of the moneys at the credit of the municipality and such other financial reports as council may request; (h) shall produce, when called for by the council, auditor, or other competent authority, all books, vouchers, papers and moneys belonging to the municipality, and hand them over to his successor or such person as the council may direct on ceasing to hold his office; and (i) shall perform faithfully all other duties conferred upon him by this Act and generally carry out such instructions as may be issued to him by the council.	
49	Signing of Cheques	63 64 65 66	Consolidate these four sections into a single section, as follows: (a) The treasurer shall, unless otherwise provided by resolution of council, together with the mayor or such other person as the council may appoint, sign all cheques issued by the municipality. (b) Any signatures required on the cheques may be printed, lithographed or otherwise mechanically reproduced if so authorized by bylaw.	Existing legislation contains separate sections for cities (63 and 64), towns (65), and villages (66).

			(c) The council may by bylaw authorize the treasurer to establish special bank accounts for designated purposes on which cheques may be drawn and may by the same or another bylaw authorize the treasurer alone or any other official of the municipality to sign such cheques. (d) Council may by bylaw authorize the mayor and treasurer to issue weekly, etc., a single cheque for payroll purposes; and such cheques shall be deposited in a wages account in which the treasurer may draw cheques signed by the treasurer alone.	E.g., refund of deposits and overpayments.
50	Form of Receipts	92	Revise to provide for the application of this section only to villages and to towns which are not required by section 79 to hire a clerk or treasurer with a certificate of qualification.	
51	Acting and Assistant Municipal Officials	93	Rewrite this section as follows: (a) The council may by resolution appoint an assistant to the treasurer or to any other municipal official and the assistant has: (i) all such powers and duties as may be delegated to him by that official, and (ii) all the powers of the official during his absence or inability to act. (b) The council may by resolution appoint some person to act in place of any municipal official who is absent or is incapable of performing his duties, or during a term of temporary vacancy in the office.	Existing legislation deals only with the appointment of an acting treasurer. The proposed legislation would apply to any municipal office.

Rec. No.	Subject	Section	Recommendation	Reason for Recommendation
			(c) When a municipal official is absent or incapable of performing his duties or during a temporary vacancy in the office, the municipal commissioners or the manager, if any, or the mayor may, in writing, appoint some person to act in place of any official until the next meeting of council. (d) During the period of the absence, incapability or vacancy, a person appointed under subsection (b) or (c) has all the powers of the official.	
52	Collector of taxes Paymaster Comptroller	94 95 98	Delete.	Existing legislation is redunant. Subsection (2) of section 78 authorizes council to "establish such other offices" and to "appoint officials and employees to any offices so established" and to "prescribe the powers and duties of the holder of any such office or of any employee".
53	Solicitor	96	Delete.	Existing legislation is redundant because section 78(2) already provides for appointment of other officials and employees. As for qualifications of the solicitor, section 5 of The Legal Profession Act covers the situation adequately.
54	Costs in actions, etc.	97	Revise to read as follows: "Where the municipality has appointed or retained a solicitor and his remuneration is paid wholly or partly by salary, the municipality is, notwithstanding, entitled to tax and collect lawful costs in all actions and proceedings to which the municipality is a party."	

55	Auditor's report and abstract of finances	99(5) 102(2)	Revise to read that the auditor shall send his reports "to the mayor with a copy to the minister" in place of "to the minister and to the mayor".	Revision was requested by Saskatoon, which feels existing legislation is too paternalistic.
56	Charge for copies of documents	103	Delete "at the rate of fifty cents per one hundred words" and substitute therefor "at the rate fixed by council". In the first line of sec. 103 substitute the word "person" for "voter".	Some municipalities feel that councils should be free to prescribe the fees for making copies of reports, etc. In British Columbia, Manitoba and Ontario records are open for inspection of any person. Only in Alberta and Saskatchewan is this privilege restricted to electors or voters.
57	Organization and Management		Consolidate this part of the Act and list the various ways in which councils may conduct the business of the municipality, i.e.,	The object is to provide in the legislation a wide variety of options for the internal organization and management of municipalities.
	- Departments	105(1) 78(2)	Establishing departments and appointing department heads.	
	- Committees	105(2)	Creating special and standing committees.	
	- Executive Committee	New	Establishing by bylaw an executive committee comprised of the mayor as chairman and up to one-third of the councillors, appointed by the mayor, as members.	

Rec. No.	Subject	Section	Recommendation	Reason for Recommendation
	- Commissioners	72	Establishing a board of commissioners, with mayor as *ex officio* member.	
	- Manager	77	Appointment of a municipal manager (city/town/village manager).	The designation "manager" is preferable to "administrator". It is suggested that the word "administrator" be restricted to cases where the court or the minister, etc., has appointed one to manage the affairs of the municipality in place of the council.
	- Management Boards	106-113	Appointment of special purpose management boards; e.g., hospital board, parks board, recreation board, transportation board, air board, trailer camp board, boxing and wrestling board or commission.	It should not be necessary to list by name the various management boards which councils are authorized to appoint. A general blanket authorization should be sufficient, and would be less paternalistic.
58	Approval of Voters	121(2)	Revise by deleting reference to "burgesses".	To conform to proposed elections legislation.
59	- Bylaws	122	It is proposed that this section be divided into two parts: one dealing with the passing of the bylaw, and one regarding authentication of the bylaw.	
	- Three Readings	122(1)	With regard to the passing of the bylaw, the following is proposed:	

			(a) Every proposed bylaw shall receive three separate readings before it is finally passed and becomes a bylaw; and a proposed bylaw may be amended on any reading thereof. (b) Not more than two readings of any bylaw shall be given at any one meeting except by the unanimous vote of the members present at the meeting. (c) Unless the council, by a majority vote of the members present, dispenses with the readings of a proposed bylaw in full at any reading thereof, and subject to clause (d), each such proposed bylaw shall be read aloud in full to the council, at each reading thereof, by the clerk or a member of the council, with such amendments thereto as have been made at any previous reading thereof; (d) Where a proposed bylaw or any schedule thereto has been typewritten, mimeographed, printed or otherwise clearly set forth in some written form, and a copy thereof has been given to each member before the meeting at which the reading thereof is to take place, it is not necessary that the proposed bylaw, or schedule thereto as the case may be, shall be read aloud.	There appears to be confusion as to whether or not a bylaw "reading" means reading every word aloud at each and every one of the three readings. The proposed revision sets out the conditions under which the actual and full reading of the bylaw may be dispensed with. Recommendation No. 64 of the Interim Report proposed some relaxation of the rule against giving three readings at one meeting except by unanimous consent of the whole council. The responses to this recommendation indicate that most councils feel that the existing legislation should be retained because it discourages hasty decisions unless all members present are in agreement.
	- Authentication	122(2)	Amend this section by adding "or by the person acting as clerk at the meeting".	To provide authority for acting clerk to sign and seal the bylaw in event the clerk is absent from the meeting.

Rec. No.	Subject	Section	Recommendation	Reason for Recommendation
60	Receiving Petitions	125	Delete this section entirely and substitute the following: A council of a municipality shall receive any petition sent to it by the clerk, a member of the council, any elector of the municipality, or any other person; and the council shall cause every petition received by it to be read at a meeting of the council. Where a copy of the petition has been provided to every member of the council it shall not be necessary to read the petition aloud.	The Committee has adopted the position that although electors may submit petitions to council at any time on any matter, council shall be bound to comply with only one kind of petition - the petition to call a public meeting as provided in section 60 of the Act. The Committee takes the view that in all other cases council must be free to decide, and to take responsibility for, what action is to be taken in respect to the petition. This view is consistent with the principles of representative government.
61	Binding effect on council of votes on bylaws	126	Revise this section to state that where the council has submitted a bylaw to the vote of the electors, either on its own initiative or where required by law, council shall pass the bylaw if it has received the assent of the majority of the voters voting on it, and shall not pass the bylaw if it has failed to receive the assent of the majority of the voters voting on it.	The Committee feels that where council has given one or more readings to a bylaw it really intends to pass the bylaw. If council decides or is compelled by law to submit the bylaw to a vote of the electors, council shall be bound by the result of the vote. If council did not intend to pass the bylaw it would not have submitted the bylaw to a vote.
62	Effect of votes on questions	227.6	Revise this clause by deleting reference to burgesses and by setting it up as a separate section.	Where council submits a matter to a vote in the form of a question rather than a bylaw, the Committee feels that the result of the vote should be received by

			Make it clear that the vote in such cases is for council's information only and is not binding on council.	council as information only that may or may not, at the discretion of council, lead to the passing of a bylaw.
63	Repeal and amendment of Bylaws	127(1)	Revise this subsection by omitting reference to petition. Say only that where a bylaw has been passed pursuant to a vote of the electors it may be repealed or amended only by holding another vote and obtaining the necessary assent.	This recommendation is in accord with the recommendations above respecting voting on bylaws.
64	Quashing of bylaws and resolutions	128(3) 128(4)	Revise to conform to recommendation re section 103. Increase the $100 security for costs.	The Committee does not favor specific dollar amounts in the legislation.
65	Validity of bylaw where part of bylaw ruled invalid (i.e., severability)	130	A question was posed, if the courts declare a part of the bylaw invalid, is the whole bylaw then invalid? And if so, should the legislation declare that if a part of the bylaw is struck down by the courts, the remainder of the bylaw shall nevertheless be deemed to be in force?	This appears to be an area upon which the legal experts disagree. It is probably a matter which can be dealt with by the courts only on an individual basis. The Committee makes no recommendation on this matter.
66	- Power to impose fines and penalties	133(1)	Either increase the maximum fine of $1,000 that may be imposed, or leave the maximum to the discretion of the council. (The maximum in Ontario is $1,000).	City of Regina, in connection with its bylaw re hazardous substances, wishes to provide for a maximum fine of $25,000.
	- Non-monetary penalties		Provide for penalties other than monetary fines, to be imposed at the discretion of the judge.	SUMA suggested a provision for impoundment of vehicles for 30 days, e.g., for speeding up and down the street.

Rec. No.	Subject	Section	Recommendation	Reason for Recommendation
	- Two-fine system for parking violations	133(4)	Add the following section: "Notwithstanding any other provision in this Act, in imposing fines with respect to parking violations, the council may provide for the payment of a sum less than the fine provided for, which payment shall be deemed to be payment of the fine in full, on condition that such payment is made within a specified number of days after the date of the violation."	This provision was requested by cities to enable them to recover from the offender who does not pay promptly the cost of bringing him to court.
	- Approval of Village bylaws	133(5)	Delete this subsection.	Since the department does not retain a solicitor to help municipalities in drafting their bylaws, there is little justification for retention of this subsection. Villages are often provided by SUMA with model bylaws.
67	- Peace, Order, Good Government - Health, safety, morality and welfare	137	Despite its limitations, the Committee recommends that this section be retained in the Act. The Committee also recommends that provision be made in the Act for dealing with matters by O.C. which are not adequately provided for in the Act. This can be done either by including in the Interpretation part of the Act a section quoted in Recommendation No. 12, or by adding the following to section 137: "Upon receipt of a petition from the council the lieutenant governor in council, to the extent not inconsistent with the intent of this or any other Act, may confer such further powers upon the council as are necessary to preserve and promote the peace, order and good government of the municipality, and to provide for the protection of persons and property." (Ontario, Section 218(3)).	The Committee has noted the following limitations: (1) Nothing not within provincial jurisdiction can be delegated to municipalities. Peace, order, good government, etc., are also under federal jurisdiction. (2) Where the legislature has undertaken to deal with the matter elsewhere in this Act or in any other statute, that excludes the municipalities' right to legislate with respect to that matter. (3) Where power is <u>expressly</u> given in this or any other Act, it is thereby taken out of the <u>general</u> provisions of this section. It is not the intent of the Committee that the powers of this section might be used to interfere in the collective bargaining process.

68	Declaring and abating nuisances and nuisances generally	140 196	These two sections should be placed in close proximity to one another.	
		140(3)	Reduce the time specified in the order from three months to one month.	Municipalities frequently complain that the time allowed to the owner for remedying a nuisance is too long.
		140(9)	Reduce the notice of intention to make order from one month to fourteen days.	SUMA has recommended: (a) a provision for placarding a building which is subject to an order under section 140. (b) provision for registration of a notice in the land titles office for the protection of a prospective purchaser.
		389	Provide for notation on tax certificate of any orders issued under section 140.	
69	Control of highways, etc. Sec. 39, The Saskatchewan Telecommunications Act.	143	The powers which councils may exercise under this section are subject, among other things, to section 39 of The Saskatchewan Telecommunications Act. Amend said section 39 to require Sask Tel to submit a plan to the municipality.	Proposed amendment is consistent with section 32 of The Power Corporation Act.
70	Tag Days, etc.	143	Add a provision empowering council to make bylaws for licensing persons who solicit or collect gifts or alms, or the promise thereof, for others, whether in the form of money, merchandise, or otherwise, and for preventing such soliciting or collecting on any street without a permit issued under the provision of the bylaw.	It is not clear whether the existing legislation, giving powers to a municipality over the direction, management and control of streets, includes the power to authorize or prohibit tag days. The Municipal Act of British Columbia, and the Vancouver Charter, both contain legislation as proposed in the column to the left.

Rec. No.	Subject	Section	Recommendation	Reason for Recommendation
71	Temporary closing of streets, etc.	145	It is recommended that the scope of subsection (1) be enlarged to permit council to close a street for such things as "block parties". Section 145 could be consolidated with Section 146.	Cities have submitted that the powers of municipalities need to be enlarged to allow closing for all purposes determined by council without a time limit. Department of Highways, on the other hand, maintains that municipalities already have adequate powers under the Act.
72	Closing for malls, etc. and to facilitate moving of buildings, etc.	146	The following changes are recommended: (1) Renumber subsection (2) to read subsection (4). (2) Insert a new subsection (2) as follows: "Notwithstanding subsection (1) council may temporarily close a public road . . . for a period not exceeding 21 days, for the purpose of facilitating the moving . . . of any building, structure, machine or other object." Add subsection (3) as follows: "A council may by bylaw delegate all or any part of its powers under subsection (2) to a person or official who shall have and may exercise all of the powers set out in the bylaw for the purposes set out in subsection (2)".	Proposed amendment would enable municipality to close street temporarily for purposes mentioned for 21 days without minister's prior approval. Requested by the City of Regina to enable council to delegate powers of temporary closure to an official such as the municipal engineer. (It has been noted that under section 152.3 council has power of delegating to the police necessary powers to act in an emergency.)
73	Prohibiting, eliminating or abating noise	152.8	Expand this clause to give council the power to define noise by means of a decibel rating system and the power to establish permitted noise levels in various areas of the city and at various times of the day. Expand further to include authority to take action against owners of barking dogs.	City of Regina informed Committee that its barking dogs bylaw was declared *ultra vires*. Saskatoon also would like to see the power to control and eliminate noise radically expanded to meet every situation.

74	Control of mini bikes, etc.	152	Add a clause either to this section or to section 194 authorizing municipalities "to prohibit, control or regulate the operation of vehicles of any classification thereof on all private property within the territorial limits of the municipality".	Requested by SUMA at the 1978 Convention.
	"Subject to The Vehicles Act . . ."	152.10	- - - - - -	Many municipalities have complained of delays in obtaining approval from the Highway Traffic Board of their bylaws under clause 10 of this section. For this reason they would like to have this clause amended to dispense with the words "subject to The Vehicles Act". In view of information that the government is currently reviewing The Vehicles Act, the Committee is reluctant to recommend deleting the words "subject to The Vehicles Act".
75	Parkades bylaw	155	Revise as follows: (1) Dispense with necessity of obtaining Local Government Board approval except where long-term borrowing is involved. (2) Use the words "parking facility" instead of "parkade". (3) The provisions respecting specially benefited areas may well be transferred to the Local Improvements part of the Act. (4) Where borrowing for a parkade is involved, the long-term borrowing provisions of the Act would apply.	Some cities point to unnecessary paternalism in the existing legislation. "Parkade" may be a registered trade name belonging to the Hudson's Bay Company. Cities feel they are responsible enough without Local Government Board involvement in setting parking fees and charges.

Rec. No.	Subject	Section	Recommendation	Reason for Recommendation
76	Penalty for failing to give necessary information to license inspector	162(2)	Revise upward the $5 per day maximum penalty.	Saskatoon complained that existing maximum penalty is inadequate.
77	Power to prohibit certain businesses	163(1)	Add to this subsection the power to pass bylaws for regulating, restricting, limiting or prohibiting, the carrying on or conducting in any particular district or districts within the municipality of a business that in the opinion of the council is undesirable or unsuitable to such district or districts.	The proposed change is based on section 241 of the Municipal Government Act of Alberta. (Check the draft Planning Act to see if such power may be exercised in a zoning bylaw passed under that Act.)
78	Dogs and other animals	165.11	Add the following powers: 1. prohibiting or regulating the keeping of animals or any class thereof and for restricting the number of animals or any class thereof that may be kept by any person (or in a household) within the municipality or defined areas thereof. 2. regulating establishments for the breeding or boarding of animals or any class thereof within the municipality. Define "animals" to include birds and reptiles.	Municipalities have expressed a need for legislation conferring power on them not only to license and impound animals (which they already have) but also to limit the number of animals that a person may keep on his premises. (Recommendation is based on section 353 of the Municipal Act of Ontario.)
79	Sundry "police" powers, to license, regulate, control, or prohibit	165	It would be consistent with the Committee's objective to recommend removal of the very detailed provisions of section 165 and substituting therefor a short statement conferring upon municipalities in broad general terms the power to pass bylaws for licensing, regulating, controlling, or prohibiting all manner of activities.	None of the other provinces in their Municipal Acts has expressed the municipalities' licensing and regulating powers in a few short sections. Ontario's Municipal Act contains by far the most detail, while British Columbia comes perhaps the closest to granting such powers in broad general terms.

			However, because bylaws passed under authority of this section curtail the rights of citizens to engage in what are normally lawful activities, it is well known that the courts give strict interpretation to such laws and tend to strike down any bylaw which is not clearly supported by statutory authority. Therefore, much as the Committee would like to reduce this section to a few lines, it recommends that no step be taken in this direction without competent legal advice and full consideration of its implications to the municipalities. In any event the Committee suggests: A. That certain parts of section 165 are obsolete and should be removed; e.g., references to "opera houses" in paragraph 1, "horses and mules" and "porters and draymen" in paragraph 29, and "wood sawing machines" in paragraph 35. B. That with respect to licensing of halls, etc. under paragraph 1, notice should be taken of the Theatres and Cinematographs Act. C. That the provision for municipal licensing of electrical workers under paragraph 15 and plumbers under paragraph 28 is probably unnecessary in view of The Apprenticeship and Tradesmen's Qualification Act. D. That the provisions for the safety of workmen operating wood sawing machines (paragraph 35) are taken care of by The Occupational Health Act. E. That the licensing and supervision of nursing homes (paragraph 24) has been assumed by the province under The Housing and Special Care Homes Act.	Because the province under The Apprenticeship Act has passed laws respecting the qualifications of persons engaged in some eighteen different trades, including electricians and plumbers, there appears to be no reason to retain paragraphs 15 and 28 in The Urban Municipality Act giving municipalities such powers. On the other hand, if municipalities must be given powers to deal specifically with electricians' and plumbers' qualifications, should these powers not be extended to other trades such as mechanics, radio repairmen and pipefitters? The point is that there appears to be no longer any room for municipalities to be involved in tradesmen's qualifications because the province has its own legislation under such statutes as The Boiler and Pressure Vessels Act, Electrical Licensing and Inspection Act, Gas Inspection and Licensing Act, and The Apprenticeship and Tradesmen's Qualifications Act.

Rec. No.	Subject	Section	Recommendation	Reasons for Recommendation
			F. That under the Public Health Act there is provision for provincial regulations governing trailers and mobile homes (paragraphs 25 and 26). G. That the $5 per day fine in connection with dangerous dogs (paragraph 12) is inadequate. H. That in revising paragraph 33 (transient traders) the provisions of The Direct Sellers Act must be kept in mind. I. That the maximum licence fees and penalties provided for in paragraph 30 (shows, etc.) are inadequate. J. That the power to licence pawn shops, etc. (paragraph 27) should include the power to prohibit in all or any part of the municipality.	Licensing powers may be exercised for two purposes: one is to regulate and control the industry, trade or business, and the other is to raise revenue. With respect to the first purpose, the province has taken over the responsibility for many of the matters covered in section 165. This still leaves to the municipalities the power to impose license fees for municipal revenue purposes. Requested by the City of Saskatoon (but zoning bylaws can probably accomplish the same thing.)
80	Shop Closing	166-176 inclusive	In attemptiong to revise this part of the Act the Committee was all too conscious of being confronted with three competing objectives. The legislation needs to be designed so as: A. to give the merchants freedom to meet consumer demands for service. The current trend of two or more members of a family to be at work away from home has increased consumer pressures for more opportunities for evening shopping; B. to give municipalities freedom to legislate with respect to matters of local concern; and to provide flexibility in the law to meet individual community special needs and preferences;	The position taken by the writers of the briefs submitted to the Committee depended upon the weight they had given to the relative importance of each of the three objectives: A, B, and C. Those who said we should retain the existing legislation were of course concerned about objective C, while those who favored liberalization of shopping hours did so in the interests of objective A or objective B. While recognizing the validity of the Legislature's concern for the welfare of all of its citizens, the Committee is of the opinion that legislation governing working hours and days off properly belongs amongst the labor laws rather than in The Municipal Act.

			C. to meet the province's overriding concern about the welfare of all of its citizens, particularly in this case: (i) the welfare of employees, their hours of work and permitted days off; and (ii) the welfare of small merchants in large centres, and of small communities throughout the province. The Committee accordingly recommends: 1. Deletion of section 168, so as to leave the matter of exemptions entirely to the discretion of the local councils. 2. Amending section 169(3) to empower municipalities to permit shops to remain open on two evenings of each week (instead of one). 3. Amending Sec. 167(1) by deletion of reference to Sec. 168 in the first line.	Moreover, the Committee is not altogether satisfied that existing legislative restrictions on shopping hours have effectively protected the interests of the small merchant or those of the small community. The Committee also takes the view that the protection of the small merchant within the larger centres through regulation of shopping hours should be a function of the municipal council concerned.
81	Disposal of land acquired for a public work	178(2)	Delete the last part of subsection (2) reading "but in case of a sale, section 31 of The Tax Enforcement Act applies *mutatis mutandis*".	The Committee supports Saskatoon's submission that the city should have the power to dispose of lands surplus to its requirements in such manner as the council deems fit, without having to advertise it as required by The Tax Enforcement Act. Section 31 of The Tax Enforcement Act should apply only to lands acquired under the provisions of that Act, and not to lands which the municipality had expropriated or otherwise purchased.

Rec. No.	Subject	Section	Recommendation	Reason for Recommendation
82	Erection, acquisition and renovation of dwellings	186	Delete entire section, and substitute therefor the content of section 27 of The Saskatchewan Housing Corporation Act.	Section 186 predates by some decades the passing of The Saskatchewan Housing Corporation Act. Sections 26 to 31 of the latter Act empower municipalities to enter into agreements, to acquire, improve and convert existing buildings for public housing projects, as well as to dispose of property. The approval of The Local Government Board is required only where a municipality proposes to contract debts not payable within the current year, to borrow moneys, or to issue debentures. Section 186 therefore is no longer needed.
83	Sale or disposal of land acquired for public park, athletic grounds, etc.	191.1	Delete reference to petition for a vote, but retain the requirement to advertise notice of intention and provide an opportunity for electors to submit objections to council and to be heard by council.	This recommendation is consistent with Committee's recommendation that councils shall not be bound by petitions except to call a public meeting.
84	Leasing of land dedicated for a public park	191.4	Remove reference to minister's approval.	Saskatoon objects to having to obtain the minister's consent. Committee supports Saskatoon in this view except in cases where it is proposed to use public park land for other than athletics or exhibitions.
85	Public markets Public scales	191.10 191.11	Reduce these very detailed provisions covering 15 lines to a broad general statement as follows: "acquisition, construction, operation, control and maintenance of public markets and scales."	This recommendation is consistent with the Committee's objective of expressing the powers of council, wherever possible, in broad general terms and removing the detailed provisions of the existing legislation. The suggested wording is taken from section 168 of the Municipal Government Act of Alberta.

86	Explosives, etc.	194.1(b)	Add to the existing powers the power to prohibit or regulate the transportation and storage of combustible and explosive substances and other hazardous materials.	Recent events such as the PCB spill in Regina, the Mississauga railway incident and the Three Mile Island nuclear power station incident have forced all three levels of government - federal, provincial, and local - to examine existing legislation and procedures for regulating the use and transportation of hazardous substances. With both the federal and provincial governments being involved, it is not clear at the present time just what the role of municipal governments should be. In any event the municipalities' powers need to be broadened, subject of course to federal and provincial regulations. Alberta's Local Government Act, section 156(b) empowers municipalities to pass bylaws for "the regulation of the storage or transportation of explosives or other highly inflammable or dangerous matter and the prohibition of the storage or transportation thereof except by permit authorized by resolution of the council". The Committee would suggest an addition to the above providing for delegation of the permit issuing power to a municipal official, such as the fire chief. The Committee has noted that Regina proposes to pass a bylaw respecting handling, storage and transportation of hazardous substances, but the Committee is not satisfied that the existing legislation confers upon the city all of the powers that it would exercise under the proposed bylaw.

Rec. No.	Subject	Section	Recommendation	Reason for Recommendation
87	Dutch Elm Disease	194.9	Add a provision empowering municipalities to pass bylaws relating to the destruction and chemical and other treatment of plants infected or suspected of being infected with Dutch Elm Disease; and to take such other measures as may be necessary to control and eliminate Dutch Elm Disease, including the power to prohibit transportation of bark bearing elm material into or through the municipality without a permit.	Other departments besides Urban Affairs should be involved in this matter, namely Agriculture and Environment. Neither the existing Pest Control Act nor The Urban Municipality Act provides municipalities with necessary powers to deal with the threat of Dutch Elm Disease spreading through the province. A submission on this subject was received from the City of Saskatoon. (See also Section 425 of the City of Winnipeg Act.)
88	Mini bikes, etc.	194.12	Add a provision respecting mini bikes, etc. on private property. See recommendation re Section 152 (nuisances).	Municipalities have been unable to adequately deal with complaints from citizens about noise.
89	Untidy premises	195	Rewrite this section to shorten the time between the date of the municipal official's order and the date when council may proceed to clean up the premises if the owner does not do so. It is recommended that the legislation authorize council to appoint an official to make an inspection and to issue an order to the owner, giving the owner ten days' time in which either to do the work or appeal to council against the order; if he appeals and the appeal is not sustained, the owner shall be given a further ten days' notice, after which time the municipality may proceed to do the work if the owner fails to do so.	Municipalities complain that procedures under existing legislation involve a great amount of time during which the untidy and unsightly premises condition continues to be a nuisance. Weeds apparently are one of the biggest concerns because action needs to be taken promptly. The proposed change would shorten the existing procedure by at least ten days. Sections 157-159 of Alberta's Municipal Government Act appear to be suitable models to follow in rewriting our legislation on nuisances.

90	Gas Incinerators	198	Delete this section. Delete also section 35 of The Power Corporation Act.	The program for installation of gas incinerators, initiated by SPC in the early 1960's, is not in operation.
91	The Municipal Public Works Act	200 to 204	Delete section 200. It is recommended that sections 201-204 of The Urban Municipality Act and the substance of The Municipal Public Works Act, be consolidated and set up as a part of The Urban Municipality Act.	See Chapter 5 for recommendations and proposed outline for Municipal Utilities part of the Urban Municipality Act.
92	Water and Sewer Rates Local Government Board approval	202	Delete.	Municipalities have questioned the necessity of having to obtain Local Government Board approval for their utility rates bylaws as the entire responsibility should rest with the council. It is appreciated, nevertheless, that the Local Government Board does assist municipalities in an advisory role.
93	Public Accommodation Licensing of Hotels	205 and 209-216	Rewrite and condense these nine sections into a single section as follows: "The council may by bylaw make provision for the licensing, control and regulation of any public hotel or other place of public accommodation and may provide for the imposition of penalties with respect to breaches of any such bylaw." (Alberta's Municipal Government Act, section 230)	The existing legislation contains much material that ought to be left to the discretion of the local council and spelled out in the bylaw. Moreover, since the viability of a hotel depends upon its obtaining a license from the Liquor Licensing Commission, and the hotels must meet the standards laid down by the Liquor Licensing Commission, there is not the same need for municipal control and supervision that there was fifty years ago.

Rec. No.	Subject	Section	Recommendation	Reason for Recommendation
94	Vote of burgesses	206 to 208	Rewrite section 206 by deleting references to a vote of the burgesses. Instead, provide for publication of notice of intention and for receiving and hearing of objections to the proposal, and leave to the council to decide whether or not to submit the issue to a vote of the electors. Where council submits the matter to a vote, council shall be bound by the results of the vote. Delete from section 207 the reference to securing authority.	This recommendation is consistent with the Committee's view that councils can be responsible and accountable only if they are forced to make their own policy decisions instead of relying upon petitions and votes.
95	Public rest and reading rooms	217	Delete this section entirely.	The Public Libraries Act, c. P-39, provides for the establishment of municipal libraries, etc.
96	No bonusing, tax exemptions beyond current year, guarantee of bonds, etc.	220	Delete "or any railway company other than an incorporated street railway company operating within or near the municipality".	To the knowledge of the Committee there are no street railway companies in operation in the province.
97	Curfew bylaws	221	Rewrite subsection (3) as follows: "Any parent or guardian who permits his child or ward habitually to contravene a bylaw adopted under this section commits an offence and is liable on summary conviction to a fine".	The existing legislation, providing for fines of $1, $2, and $5, is too specific. The imposition of a fine, and the amount of the fine, should be left to the discretion of the court within the limits fixed by the general penalty bylaw passed under section 133.

98	Lost and unclaimed property	222	Rewrite this section as follows: (1) Except as otherwise provided in this section, all lost or unclaimed property in the possession of the municipality or any department thereof shall be retained for three months. (2) All lost or unclaimed bicycles shall be retained for 45 days. (3) In subsection (2), "bicycle" includes any cycle, propelled by human power, upon which a person may ride regardless of the number of wheels it may have. (4) If property is not claimed within the time limited by this section, it becomes the property of the municipality and the municipality may dispose of the property by public auction and any property offered for sale at a public auction and not sold thereat may be otherwise disposed of as the council directs. (5) The purchaser at such auction or otherwise becomes the owner of the property and any claim of the earlier owner shall be converted into a claim for the proceeds of the sale, after the charges have been deducted for hauling, storage and other necessary expenses, including the costs of sale, that have been incurred by the municipality. (6) If no claim is made to such proceeds within one year from the date of sale, the proceeds form part of the general revenue of the municipality.	Saskatoon has indicated that the existing statutory retention period of six months is too long. This view is supported by W. Logan of the Attorney General's Department, who suggests a maximum of two to three months. The storage of bicycles is an especially difficult problem for cities. The proposal in the column at the left is based upon section 410 of Alberta's Municipal Government Act.

Rec. No.	Subject	Section	Recommendation	Reason for Recommendation
99	Preservation and destruction of public documents Microfilming	223	Revise this section to include a provision for microfilming of municipal records, and for the admissibility in evidence of prints from the film, having regard to the provisions of The Saskatchewan Evidence Act and The Archives Act.	In the absence of specific legislation, the retention by the municipality of a microfilm copy of any municipal document or record would not amount to compliance with existing section 223. Section 658 of The City of Winnipeg Act contains a useful model for rewriting our legislation. It is suggested, however, that the Minister rather than the legislation should provide the municipalities with retention schedules showing how long each of the various kinds of documents shall be retained.
100	Taking security Interest on unpaid accounts	224	Add a subsection (2) stating that a council may by bylaw authorize the imposition of interest charges (at a rate not exceeding two per cent above the prevailing bank prime rate) on general accounts payable to the municipality that remain unpaid after 30 days from the date of the mailing of the account.	Municipalities have expressed to the Committee their desire to eliminate from the statutes any specific rate of interest.
101	Extraordinary Expenditures	225	Delete "or any water development association" from subsection (a), and add: "such other organizations that in the opinion of the council it is in the interests of the municipality to belong".	Water development association is too specific. The intent of the proposal is to give municipalities power to respond to needs not specifically provided for in the Act.
102	Grants	226	Delete subsections (2), (3), and (5).	In the view of the Committee, the council should be free to decide the total amount of the grants that shall be paid in any one year. No useful purpose is being served by the requirement of the present legislation to obtain Local Government Board approval of grants in excess of one-half mill.

103	Agreements with other Municipalities	227.1	Delete "without reference to burgesses".	To update the Act in keeping with proposed legislation and The Education Act.
		227.2	Delete "larger school unit, school district" and substitute therefor "school division".	
104	Submitting municipal questions	227.6	Delete this paragraph and rewrite as a separate section: (a) The council may submit to the vote of the electors any question on a matter within its jurisdiction for an expression of opinion of the electors, and the result of the expression of opinion is not binding on the council. (b) The council shall make such expenditures as it considers necessary and advisable to provide information to the electors on any question or bylaw that is to be submitted to a vote.	This recommendation is in keeping with the Committee's view that council shall not be bound by the result of electors' votes on a question; however, if council calls for a vote on a bylaw it shall be bound by the voting results. Existing legislation does not provide authority to spend money on providing information, pro and con, with respect to a question or a bylaw on which a vote is to be taken. The Municipal Acts of Alberta and Manitoba give specific authority for spending money for this purpose.
105	War memorial	227.7	Delete reference to war, and substitute the following: "erecting, equipping and maintaining, as a public memorial, any building, statue, bridge, monument, park or any public work, acquiring grounds for a site therefor, and providing for the repair and maintenance of such memorials."	The current interest in the preservation of heritage properties may lead to demands upon councils for the creation of suitable memorials to our pioneers. The proposed revision provides authority to councils for honoring others besides the war dead.

Rec. No.	Subject	Section	Recommendation	Reason for Recommendation
106	Budget Estimates (Expenditures)	229	Revise this section as follows: (a) On or before the 15th of April in each year the council shall cause to be prepared a detailed estimate of the probable expenditure of the municipality for the current year, and the estimate shall include the following: (i) the sums necessary to meet debenture instalments, interest or sinking fund payments or other debts falling due during the year; (ii) the sums required to meet expenditures for ordinary municipal purposes, including estimated utility deficits for the current year and actual revenue fund deficits incurred in the previous year; (iii) the sums required to meet the contributions to reserve funds pursuant to one or more bylaws passed under authority of sections 303 to 307; (iv) due allowance for the cost of collection of taxes, the abatement of and discounts on taxes, and taxes that may not be collected; (v) sums which the municipality may become liable to pay by virtue of the provisions of any other Act; and (vi) all amounts that will be required or expended in that year for capital purposes.	In the Interim Report the Committee proposed a provision for a provisional budget covering the period from January 1 to April 15th or the date of the adoption of the annual budget. Municipal officials having expressed opposition to this proposal, the Committee is not now recommending mandatory preparation of a provisional budget. Existing legislation says that the estimates shall be prepared "as soon as practicable," except under Special Provisions of section 403, where the deadline is April 15th. The Committee recommends April 15th in all cases.
	Budget Estimates (Revenues)	230	(b) On or before the 15th of April in each year the council shall cause to be prepared an estimate of the probable revenue of the municipality to be derived from business taxes, grants in lieu of taxes, provincial grants, and sources of revenue other than taxes.	

			(c) Upon completion of the estimates the council shall determine the amount of taxes required to be levied to at least meet the estimated expenditures having regard to estimated revenues from other sources, and by bylaw shall adopt the budget. (d) No expenditure is lawful which is not provided for in the annual budget or in the annual budget as amended. (e) The council shall authorize by bylaw a levy upon all taxable assessments within the municipality of a uniform rate deemed sufficient to raise the amount of taxes required pursuant to (c) above, and of any other rates required by law. (This is the same as existing section 353.)	
107	Capital Expenditure Program	229	Add the following subsection: (f) The council shall in each year in addition to the annual estimates for capital purposes made under clause (vi) of subsection (a) above, prepare a capital expenditure program for the five years next following that year, and the program shall show: (i) priorities in the proposed capital expenditure set out in the program; (ii) estimates of the proposed source, and details of the proposed application, of funds required to implement the program for each year covered by the program. The program shall be prepared in the manner and in the form prescribed by the minister, and the council shall by resolution adopt the program on or before the fifteenth of April in each year.	Five-year capital budgets, although not mandatory under The Urban Municipality Act, are already being prepared for the Community Capital Fund program.

Rec. No.	Subject	Section	Recommendation	Reason for Recommendation
108	Approval of Budget by Local Government Board	231	Revise this section to make it applicable to the smaller municipalities, i.e., municipalities with a population of less than 1,000.	This section provides a simple and informal method of encouraging councils to budget responsibly. However, there is no provision for follow-up by the Local Government Board to ensure that council will abide by the Local Government Board approved budget. Existing legislation provides other ways of dealing with councils that have got the municipality into financial trouble; viz., (1) Section 422 - Commission of inquiry; (2) Section 6 of The Local Government Board Act provides for supervision of the municipality's financial affairs; and (3) Section 49 of The Urban Municipality Act empowers the Minister to appoint officials. It is suggested that if a municipality of 1,000 or over has got itself into financial trouble, any of the above provisions can be applied instead of section 231.
109	Limitation on temporary borrowing	235	Revise this section to authorize loans up to the amount of the current year's tax levy, and also loans on the security of government grants receivable in the current year.	The recommended revision is consistent with Section 314 of The Education Act, which authorizes loans on the security of current taxes and on the security of legislative grants.
110	Long-term Borrowing	240	The following is recommended: 1. Make this section clear that Local Government Board approval is required for all debts not payable within the current year, including Local Improvements.	Saskatoon has raised doubts as to the legal necessity of obtaining approvals under section 240 of loans to construct local improvements. The Committee recommends that this section apply to ALL long-term loans.

			2. This section should clearly state that the following do not constitute creation of a debt not payable within the current year: (a) employment contracts; (b) ambulance maintenance and operation contracts under section 199.1 of the Act; (c) agreement for fire protection; (d) agreements respecting policing by RCMP; (e) premium notes given for fire insurance; (f) inter-municipal agreements respecting joint operation of any service other than ambulance and fire protection; except where the whole or part of the financing is by issue of debentures.	
			3. Include in this section authority to borrow up to the amount of the government grant, where a municipality has entered into an agreement with the federal or provincial government for the construction, etc. of a public work, pending the receipt of the government's contribution.	See section 310.2 of Alberta's Municipal Government Act.
			4. Add a declaration to the effect that "no debt other than a debt for temporary borrowing shall be contracted unless it conforms to the municipality's capital expenditure program".	It has already been proposed that the preparation of long-term capital programs be made mandatory.
			5. Substitute the word "electors" for the word "burgesses" wherever it appears in subsection (2) of section 240.	

Rec. No.	Subject	Section	Recommendation	Reason for Recommendation
			6. Provide for voting on bylaws only if: (i) the Local Government Board so orders; or (ii) the council, in consideration of such submissions and representations that may have been received on the publication of the notice of intention, considers it advisable to submit the bylaw to a vote of the electors.	
			7. Provide for publication of a notice of intention and for receiving by council of submissions and representations for and against the proposed bylaw.	
			8. Provide that council shall be bound by the result of the voting whenever council has decided to submit a bylaw to a vote, but shall not be bound by a vote on a question.	The vote on a question is to be used by council for information only.
			9. Provide that approval of the Local Government Board shall be dispensed with in the case of short-term capital loans which meet ALL of the following conditions: (i) loan is repayable within 3 years; (ii) total of such loans in any year does not exceed the equivalent of 5 mills; and (iii) the total loans outstanding at any one time does not exceed an amount equal to 15 mills on the assessment.	Adoption of this provision would relieve municipalities of the necessity of going through the regular borrowing procedures for small short-term loans. The suggested limits of 3 years and 5 and 15 mills are low enough to satisfy any provincial concerns about a municipality getting itself into financial difficulties, and high enough to save municipalities the trouble of seeking Local Government Board approval of relatively small capital loans.

111	Limitation of debenture debt	241 242 243	Delete the references to 25 per cent limitation on outstanding debentures, and the exceptions to the rule contained in sections 241-243. Rewrite to say that the amount of the debenture debt and deferred liabilities of any municipality outstanding at any time shall not exceed such amount as may from time to time be authorized by the Local Government Board.	This recommendation is consistent with the Education Act. Other provinces, namely Alberta, Manitoba and Ontario, have left to the Board the matter of determining the amount of debt a municipality can carry.
112	Amendment of borrowing bylaw	251	Add to section 251 a provision for increasing the amount of borrowing in cases where because of an increase in the cost of the project, as determined by public tender or otherwise, the authorized debenture borrowing is insufficient to finance the project, and there is no increase in the standards, plans, specifications or size of the project, a council may without publishing the usual notice of intention, but subject to the prior approval of the Board, pass a bylaw to amend the original bylaw by increasing the authorized debenture borrowing to an amount sufficient to finance the project. Also add a provision that notwithstanding section 24 of The Local Government Board Act, council by unanimous vote may give three readings to an amending bylaw at a single meeting, and then send the bylaw to the Board for its approval. Make provision for exchange of denominations of debentures, i.e., larger for smaller or vice versa.	This provision, based on section 311 of Alberta's Municipal Government Act, would take care of situations where costs have increased beyond the original estimate. The Local Government Board as a condition of its approval could require the council to publish a notice of intention and give the electors an opportunity to object if they feel so inclined. Existing legislation requires council to send the bylaw to the Board for approval after the first reading. It involves a time lag of 3 or 4 weeks to pass the bylaw changing the interest rate etc. at a critical time when debentures have to be printed and delivered to the buyers following the acceptance of tenders. Requested by the Investment Dealers' Association to facilitate subsequent sales and transfers of debentures.

Rec. No.	Subject	Section	Recommendation	Reason for Recommendation
113	Minister's Certificate of Approval	255	Dispense with Minister's certificate, and instead provide for Board's certificate on the debenture document.	No useful purpose is served by having both the Board and the Minister scrutinize the debenture issuing procedures and validate the debentures. The Board is the proper agency for this purpose.
114	Countersigning of Debentures	258	Dispense with minister's countersignature. The Board's certificate on the debenture form, under the signature of the chairman or other member and the seal of the Board, should state that the bylaw providing for the debenture issue has been approved by the Board, that the debenture is issued under authority of the said bylaw and in conformity therewith, and that it is valid and binding upon the municipality and its validity may not be contested or questioned for any cause whatsoever. Note also that section 338 of The Education Act needs to be amended to dispense with the countersignature of the Minister of Education in the case of school debentures.	The Board's certificate is sufficient for the purpose.
115	Validation of debentures	263	Revise this section by deleting reference to burgess approval.	
116	Debenture Registers	264	Provide for the possibility of a trust company being delegated to keep the debenture register instead of the treasurer. Add a subsection as follows: "Wherever there is reference to the duties of the treasurer in connection with the debenture register and the council has appointed some other person to perform these duties, the reference shall be construed to be a reference to such other person as the council has appointed."	The suggested provision is found in section 347 of Alberta's Municipal Government Act.

			The Education Act, section 337, needs to be amended where it says the minister "shall cause a proper record of the debenture to be kept".	
117	Debenture Transfer Register, Guarantors of signatures	268(4)	Provide for guarantors of the signature, as follows: (a) a bank, or (b) a member of the Investment Dealers' Association of Canada, or (c) a notary public, or (d) such other guarantor as may be authorized by bylaw and approved by The Local Government Board.	Regina in its brief reported some difficulties with investment dealers, trust companies, etc., located outside the province because existing legislation permits only a bank or a notary public to be a guarantor of the signature.
118	Sinking Fund Trustees Remuneration	287.5	Delete "$25 for each of the meetings" and substitute therefor "such amount as may be fixed by the council".	Committee holds the view that the remuneration should be determined by the council.
119	Temporary Loans by Sinking Fund Trustees	289(1)	Delete "borrow sums not exceeding $1,000,000 in total" and substitute therefor "borrow money".	The statutory limit of $1,000,000 bears no significant relationship to the actual amount of money in the sinking fund.
120	Use of Proceeds from Sale of Lands	298(1)	Delete "as may be approved by The Local Government Board" and substitute therefor "as may be approved by Council".	Existing legislation is too paternalistic. The disposal of proceeds from sale of lands should be at the discretion of council, without having to obtain prior approval of the Board.

Rec. No.	Subject	Section	Recommendation	Reason for Recommendation
121	Institution of action re Diversion	300	Substitute "elector" for "burgess".	
122	Reserve Funds	303 & 304	Consolidate and rewrite these sections as follows: (1) The council may pass bylaws for creating a reserve fund for any purpose within the powers or duties conferred or imposed upon it under this Act or any other Act of the legislature; (2) A reserve fund may be created or augmented: (a) from surplus moneys of the municipality not presently required; or (b) by moneys raised by a special tax, over and above the current requirements of the municipality, levied for such term of years as may be specified in the bylaw; (3) Any reserve funds formed in accordance with subsection (1) and (2) may be invested in any of the securities authorized by section 308. (4) The council shall not repeal or amend a bylaw passed under subsection (1) except with the approval of two-thirds of the whole council. (5) Every municipality shall keep, both in its books and in the bank, a separate bank account designating the purpose for which the reserve fund was created, and showing at all times the state of any reserve fund created under this section; but the council may by bylaw provide that instead of a separate bank account being kept for each reserve fund, a consolidated bank account may be kept in which there may be deposited the moneys raised for all reserve funds established under this section, in which case the account shall be so kept that it will be possible to determine therefrom the true state of each reserve fund.	The proposed legislation would give to municipalities freedom to establish reserve funds for any municipal purpose, and the cities and larger towns (with a population over 2,000) would not have to obtain Local Government Board approvals to create or withdraw from reserve funds. In municipalities of less than 2,000 people, Local Government Board involvement and advice may be helpful to the municipalities.

			(6) Subject to section 297 the council may by bylaw passed by a two-thirds vote of the whole council provide that the moneys raised for a reserve fund established under this section may be expended, pledged or applied to a purpose other than that for which the fund was established. (7) In municipalities with a population under 2,000 the bylaws passed under this section shall not go into effect unless approved by The Local Government Board.	
123	Superannuation or benefit fund and Group Insurance Plans	305	Divide the content of this section into two parts: one dealing with pensions and the other with insurance. With reference to superannuation, make provision for council to pass a bylaw under which the participation of members of council in the municipal superannuation plan would be optional upon application of the individual members.	Existing legislation appears to say with reference to superannuation that either <u>all</u> members of the council must be included in the plan, or <u>none</u>. This legislation is needed particularly in cities where the position of mayor is a full-time job.
124	Capital Trust Fund	306	Change the wording so that this section will apply only to villages and towns of less than 2,000 population.	The recommendation for section 303 above gives the larger municipalities plenty of scope to establish reserve funds without first seeking Local Government Board approval.

Rec. No.	Subject	Section	Recommendation	Reason for Recommendation
125	Capital Reserve Funds	307	Delete entirely.	Saskatoon's briefs suggests that the power of a city to establish capital reserve funds should not be subject to Local Government Board approval or limited to 2 mills. In view of the recommendation above for section 303 there is no need to retain section 307 in the Act. Section 307 is superfluous.
126	Consolidation of the law respecting Assessment and Taxation and Local Improvements		The Committee sees merit in the creation of "The Municipal Assessment and Taxation Act" in which there would be consolidated the provisions of: (a) Part V, sections 310 to 405 of The Urban Municipality Act; (b) Part VI, sections 267 to 371 of The Rural Municipality Act; and (c) All of the Local Improvements Act. In any event The Local Improvements Act should be consolidated with the assessment and taxation provisions of The Urban Municipality Act.	The Assessment and Taxation provisions of the two acts -- Rural and Urban -- are almost identical.
127	Definition of assessor, valuator	310-405	Either The Urban Municipality Act or the proposed Municipal Assessment and Taxation Act, whichever is applicable, should contain an interpretation of the words "assessor" and "valuator".	With the province involved in making appraisals and valuations of taxable properties, there is a need to establish the functions of the municipal assessors and provincial valuators.
128	Definition of farmer stock raiser, etc. not subject to assessment	310(1)	Rewrite paragraph 2 of this subsection to conform to section 267(1)(b) of The Rural Municipality Act, which does not exempt feedlot operations and large enterprises which use very little land to conduct commercial hog or chicken operations.	The exemption qualifications for farmers should be the same regardless of whether the land is in a rural or an urban municipality.

129	Assessment of Gravel Pit	310(1)	Rewrite paragraph 2 to conform to section 267(1)(b) of The Rural Municipality Act.	In a rural municipality gravel pits are not taxable but may be licensed instead.
130	Person claiming to be assessed	316(1)	Rewrite this subsection by deleting reference to "burgess".	Since property ownership is not to be a qualification for voting, subsection (1) could very well be omitted entirely.
		316(2)	Revise upward the $25 fine.	
131	Court of Revision Membership	321	Revise to authorize council to appoint the whole council to the court of revision if it wishes to do so, which means the maximum number shall be seven instead of five, except in cities where they have more than six councillors.	Requested by some towns. Some questions have been raised as to the propriety of appointing members of council and employees to the court of revision, because the public may feel that these people have their own interests to protect. Consequently, the court of revision might be looked upon as an unnecessary step toward an appeal to the Saskatchewan Assessment Commission.
132	Exemptions from Taxation	347	While subscribing to the general principle that all lands and buildings, regardless of ownership, should be subject to taxation for municipal purposes, the Committee acknowledges the validity of arguments against the suspension of the tax exemption privileges granted to the properties enumerated in section 347. With respect to federal crown property and Indian lands, the Committee is aware that it is beyond the province's powers to allow municipalities to tax such properties.	

Rec. No.	Subject	Section	Recommendation	Reason for Recommendation
			However, with respect to provincial crown property, the Committee recommends the passing of legislation providing for grants in lieu of taxes, similar to federal legislation now in effect with respect to federal properties. Regarding property owned by local governments (municipalities, schools, union hospitals) the Committee makes no recommendation for changes in the existing legislation, but it does recommend that research be done to determine the probable impact on local governments if their properties were subject to taxation. With respect to property owned by churches, the Committee anticipated some opposition to any change in the status quo. Considerable opposition was in evidence to the Interim Recommendations on this subject, and the Committee members are about evenly divided on the issue. With respect to exemption of properties belonging to charitable and other public service organizations named either in The Urban Municipality Act or in a large number of Private Acts, the consensus of the Committee is that the granting of exemptions should be left to the municipal councils.	Councils have power under section 350 to grant exemptions on a year to year basis, but this has no appeal to such organizations as the YMCA, Red Cross, Legion, etc., which enjoy permanent exemption under existing statutes.
133	Recovery of foregone taxes in event property is sold		The Committee suggests consideration be given to enacting legislation providing in the event that tax exempt property is subsequently sold for a different use, for the recovery by the municipality of a portion of the taxes it had foregone while the property was exempt.	Such a provision would enable the community as a whole to share with the organization concerned in any windfall profits arising from appreciation of the value of the property.

134	Rental Tax	357	The Committee considered a recommendation to delete this section, but the consensus is to leave it in as is. Note that although the treasurer can have water services disconnected, he has no right to disconnect electricity and gas services where the services are supplied by Saskatchewan Power Corporation.	Probably no municipality is using the powers granted by this section. Because tenants indirectly are contributing to local taxes, they are eligible for provincial grants under the property tax rebate program.
135	Service Tax	359	Delete.	Poll taxes are not popular and very difficult to enforce. Probably no municipality is collecting them.
136	Amusement Tax	360	Committee recommends no change.	A strong submission against the retention of section 360 was received from the Motion Picture Theatre Owners of Saskatchewan.
137	Dancing Club	361	Delete.	The Committee believes that this section is outdated and serves no useful purpose.
138	Dust laying material	362	Consolidate this section with the Local Improvement provisions of the Act.	
139	Special charges where buildings to be erected impose a heavy load on water and sewer system	363	Revise by omitting reference to Local Government Board approval.	The Committee supports Saskatoon's proposal to remove from this section the necessity of obtaining Local Government Board approval.

Rec. No.	Subject	Section	Recommendation	Reason for Recommendation
140	Rates of interest and discounts	369 370 372	Revise to permit council to set rates related to prevailing bank prime rates.	Statutory rates are too restrictive in times of fluctuating interest rates.
141	Tax Penalties Calculation	372	As an alternative to adding the full penalty on January 1 and then rebating half of it where taxes have been paid before July 1st, the Committee recommends a provision for determining the amount of the penalty and adding it to the amount of arrears at the time the taxes are paid.	The amount of the penalty under the proposed legislation would be determined at the current approved interest rate and related directly to the time the taxes were outstanding. The existing method makes for easy calculation, but with electronic calculators now available at a reasonable price, the calculation of tax penalties on the basis of the number of days should present no difficulty to the tax collector and certainly would conform to current business practice.
142	Fee for Tax certificates, searches, etc.	389	Revise by deleting reference to statutory fees and substitute therefor the "fee fixed by bylaw".	Existing legislation is unnecessarily paternalistic. Council should be free to establish their own fees, just as they set their own tax rates.
143	Adjustment of levy where building under construction is assessed	391	Revise to make the meaning clear.	Saskatoon's city assessor says "it makes no sense".
144	Veterans' Land Act	393	Delete.	The Committee is under the impression that this section is no longer needed as the Veterans' Land Act program has lapsed.

145	Compromise and abatement of taxes	394	Revise to limit the minister's approval to municipalities with less than 1,000 people.	The Committee questioned the need for ministerial approval to council's decisions; however, it recognizes the need for such supervision or control in smaller municipalities which are not able to employ a certificated municipal clerk.
146	Compromise and remission of taxes in case of sub-division	395	Delete requirement of Local Government Board approval.	The Committee supports Saskatoon's submission that Local Government Board approval should not be required in such cases.
147	Assessment of businesses on rental basis	405	Revise to accommodate Saskatoon's needs, so as to make it clear that the assessment bylaw must be passed by October 31st, and the bylaw setting the tax rate under subsection (6) shall be passed by April 30th.	Saskatoon's interpretation of the existing legislation is that the bylaw for assessing and taxing businesses must be passed by October 31st in the year before the year in which the bylaw is to take effect.

Chapter 5

MUNICIPAL PUBLIC UTILITIES

Although the legislation respecting municipal public utilities is contained in two separate statutes, The Urban Municipality Act and The Municipal Public Works Act, the provisions of The Municipal Public Works Act are "deemed" to be incorporated in The Urban Municipality Act, according to section 200 of The Urban Municipality Act.

The present Municipal Public Works Act is almost a word-for-word copy of Chapter 34 of the 1906 Statutes of Saskatchewan. It has remained virtually unchanged for 75 years. It was enacted at a time when cities and towns were incorporated not under a general municipal act but by separate charters. It thus served a useful purpose by assembling into one statute the legislation respecting municipal public utilities instead of repeating these provisions in each of the several charters.

The Municipal Public Works Act:

(a) authorizes municipalities to construct, acquire and operate waterworks and sewerage systems, and lighting, heating and power works (but one must go to The Urban Municipality Act for authority to acquire and operate a municipal transportation system);

(b) authorizes municipalities to construct service pipes from the mains to the edge of the street line, and also from the street to the building (but these provisions are also included in The Local Improvements Act);

(c) authorizes municipalities to regulate the use and distribution of water, maintenance and management of works, and collection of rates (but one must go to The Urban Municipality Act for authority to levy sewer service charges); and

(d) provides for petitions for construction of works, for borrowing of money, and for special frontage rates "not exceeding four mills on the dollar" (all of which provisions are also covered in The Local Improvements Act and in The Urban Municipality Act).

Some of the provisions of The Municipal Public Works Act are in conflict with The Local Improvements Act. For example, section 10 of the MPWA says that the municipality shall be solely responsible for keeping service pipes in repair from the mains to the property line. The LIA on the other hand says that the municipality is responsible for keeping local improvements in repair during their "lifetime", this being the lifetime of the work as originally estimated by the municipal engineer. Under the first Act, the

municipality's responsibility never ends; under the second, the responsibility ends when the originally estimated lifetime has lapsed.

Other parts of the MPWA are no longer relevant; e.g., rights of debenture holders to take over operation of a utility, when in actual fact debentures are issued on the credit of the whole municipality. The MPWA also provides for the appointment of utility commissioners, after which council "shall have no authority in respect of such works". This legislation obviously was written at the turn of the century when utilities were owned and operated by private business enterprises and public ownership of utilities was a new and somewhat radical concept.

The detailed recommendations contained in the following pages may be broken down into four categories as follows:

I. Repeal of the existing Municipal Public Works Act, and consolidation of the substance of the Act with sections 200-204 of The Urban Municipality Act.

II. Definition of "municipal public utility" to include not only those utilities which are already provided for in the existing legislation but also any additional activities which councils in the future might wish to operate as a public utility. Solid waste (garbage) collection and disposal systems, recreation facilities, and airports can be cited as activities and facilities which may be operated as public utilities in cases where they are conducted as separate business enterprises and the user fees pay for all or most of the operating expenses.

III. Deletion of obsolete legislation mentioned above, and material which is duplicated in some other part of The Urban Municipality Act, such as provisions for borrowing money for public utilities which are covered in the UMA under "Finance".

IV. Revision and rearrangement of the remaining parts of the Act in a logical and readily understandable fashion.

No attempt has been made at this stage to produce draft legislation, although suggested wording has been provided for some of the sections. The object of this report is to submit recommendations in general terms for updating the law.

RECOMMENDATIONS FOR UPDATING
THE MUNICIPAL PUBLIC WORKS ACT, c. M-32

Subject	Section	Recommendation	Reasons for Recommendation
I. Repeal of The Municipal Public Works Act		Repeal the whole Act and consolidate the substance of the Act with sections 200-204 of The Urban Municipality Act.	The alternative is to continue to keep it as a separate statute, but rename it The Public Utilities Act. Since The Municipal Public Works Act is "deemed" to be a part of The Urban Municipality Act under existing legislation, it is preferable to physically consolidate the two statutes.
II. Interpretation: Definition of "public utility"		Define "public utility" to include a municipal: (i) waterworks system, (ii) sewerage system (sanitary, storm or combined), (iii) heating systems, (iv) bus lines or other transportation system, (v) electric light and power systems, (vi) systems for the production and distribution of gas, whether natural or artificial, and (vii) solid waste disposal and collection system, recreation facilities, airports and other facilities which as a general rule depend upon user fees to pay all or most of their expenses as separate business entities.	A definition of "public utility" at the beginning of the Act would save unnecessary repetition in the body of the Act. Refer to: - Municipal Public Works Act, sections 3 and 21. - Urban Municipality Act, sections 204.1, 204.3, and 204.6
III. DELETIONS			
Petition for construction	19	Delete.	Committee recommends that councils not be bound by petitions, but that council may submit any bylaw to a vote of the electors, with or without a petition and if it does so it shall be bound by the results of the vote.
(1) Bylaw approval by burgesses	20	Delete.	

Subject	Section	Recommendation	Reasons for Recommendation
(2) Councillor interested in contract	39	Delete.	This prohibition is already contained in section 40(1)(3) of The Urban Municipality Act.
(3) Money borrowed a charge on works	45	Delete.	This section is obsolete. Current view is that municipal debt is a charge on the credit of the whole municipality, regardless of the purpose for which the debt was incurred.
(4) Application of revenue	46	Delete.	This section says that after all expenses including debenture principal and interest due in the year have been paid, the surplus must be transferred to the general fund of the municipality. Nothing is mentioned about the reverse situation where the utility operates at a deficit other than the provision in section 45 (above) to the effect that the debenture holders have a preferential lien on the utility property. Section 229 of The Urban Municipality Act (re: budgets) makes provision for taking into account utility deficits and surpluses. There is no need, therefore, to retain section 46 of The Municipal Public Works Act.
(5) Rights of debenture holders on default	47	Delete.	Debenture holders have a claim on the whole municipality, not just on utility assets. In any event, it would be hard to visualize any debenture holders wanting to take over for example, a municipal sewage treatment plant.
(6) Rights of purchasers	48	Delete.	These provisions were first written when municipal ownership of utilities was a relatively new concept.
(7) Right of municipality to resume ownership	49	Delete.	

(8) Powers to borrow	50	Delete.	According to section 200(2) of The Urban Municipality Act, section 50 does not apply to money borrowed or debentures issued after June 24, 1915. As debentures issued prior to that date have presumably been paid off, there is no need to retain section 50 in The Municipal Public Works Act.
(9) Special frontage rate	51	Delete.	Frontage taxes are to be provided for in the Local Improvements part of The Urban Municipality Act.
(10) Utility Commissioners	52 to 58	Delete.	It is not desirable for an appointed official to be given ALL of council powers with respect to any matter, so that thenceforth council "shall have no authority in respect of such works", as declared in section 52(3). In any event, council already has power to appoint a management board, similar to a parks board, recreation board, etc., to operate a public utility.
(11) Power of borrowing	60	Delete.	Municipality's borrowing powers are covered by sections 239-275 of The Urban Municipality Act.
(12) Responsibility for repair of service pipes	10	Delete the whole section and substitute therefor the following: "Where utility service pipes, lines, power cables or sewers have hitherto been constructed and laid down to the outer line of the street by the municipality, under authority of the former Municipal Public Works Act, the municipality shall be solely responsible for keeping them in repair until such time as the debentures that have been issued to pay for that part of the work have been repaid; and thereafter the council may repair or replace them either at the expense of the municipality as a whole or as a local improvement under the provisions of the Local Improvements sections of this Act."	Service pipes are generally constructed as local improvements, and the municipality is responsible for their maintenance and repair only during the lifetime of the work as originally estimated by the municipal engineer. Thereafter the lines may be repaired or replaced at the expense of the owner as a local improvement. The Municipal Public Works Act on the other hand states that where service lines have been constructed under that Act the municipality is forever responsible for the maintenance and repair of the lines. The intent of the suggested revision is to establish a time limit on the municipality's responsibility for service lines built under authority of the MPWA.

Subject	Section	Recommendation	Reasons for Recommendation
(13) Exemption from taxation	36	Delete.	Tax exemptions re municipally owned property are covered by section 347.9 of The Urban Municipality Act.
IV. REVISION		Rewrite the "Utilities" part of the Urban Municipality Act (sections 200-204) using the following outline:	
(1) Power to acquire and operate utilities		A municipality may construct, purchase, lease, improve, extend, hold, maintain, operate, manage and conduct a public utility, in whole or in part.	Reference sections: UMA 204.1 Transportation system UMA 204.3 Light, heat, power, gas, waterworks UMA 204.6 Sewer systems MPWA 3 Waterworks, storm sewers, sanitary sewers MPWA 21 Light, heat, power works MPWA 41 Purchase or lease of existing works Existing powers with respect to acquisition of utilities are scattered over several sections. What is needed is a simple declaration as suggested in the column at the left granting to municipalities the power to acquire and operate a utility as defined in the Act.
(2) Power to grant a special franchise		Subject to sections 35 and 40 of The Public Utilities Companies Act, a council may by bylaw enter into a contract with a person undertaking to provide the municipality and its residents with a supply of all or any of the following namely; transportation, light, power, natural gas, artificial gas, water, heat, and solid waste collection and disposal and may confer a special franchise upon that person in respect to the subject matter of the contract for any period not in excess of 20 years.	Existing legislation, The Urban Municipality Act, section 204.2, provides for a special franchise with respect to gas, light, power and transportation. The addition of water and heat is recommended.

(3) Municipal use contracts		A municipality may by bylaw enter into a contract with any person to supply light, power, water or gas to the municipality for the use of the municipal public utility, for any period not exceeding 20 years.	Existing section 204.4 of the Urban Municipality Act provides for a vote of the burgesses, which the Committee recommends be deleted. Some towns are buying water (through the Saskatchewan Water Board) from Saskatoon for distribution to their residents. Saskatoon and Swift Current are buying power from the Saskatchewan Power Corporation for distribution and sale to their residents.
(4) Extension of system to adjoining municipality		A municipality may, with the approval of The Local Government Board, extend a public utility to an adjoining municipality and may, under a bylaw of the adjoining municipality and upon such terms as may be agreed upon, exercise the like powers within the adjoining municipality as it may under this Act exercise within the municipality. (See also The Municipal Public Works Act, sections 17 and 30.)	The intent is to make provision for situations where a city or town has been asked by the rural municipality to provide the rural people with water, sewer, transportation, etc. Provision needs to be made for such inter-municipal agreements.
(5) Agreement for drainage of effluent		A municipality may enter into an agreement with a rural municipality to provide for the use of ditches along roads in the rural municipality, other than provincial highways, for drainage of effluent from sewage lagoons owned by the municipality.	This is existing legislation as it appears in The Urban Municipality Act section 203.
(6) Payments to Saskatchewan Power Corporation		A municipality may authorize the payment of a sum of money to Saskatchewan Power Corporation to meet the cost, or part thereof, of construction of a power transmission line to connect the municipality with the corporation's system or of a system of street lights and also a power distribution system within the municipality, and for assessing and levying the amount of such payment in one or more years as the council may determine.	Existing legislation, The Urban Municipality Act, section 204.5.

Subject	Section	Recommendation	Reasons for Recommendation
(7) ANCILLARY POWERS:		A municipality for the purposes of a public utility may:	
- Acquisition of existing works		(a) purchase or lease works constructed for the supply of water, light, heat and power within or in the neighborhood of the municipality, and under this Act may improve or extend such works.	Municipal Public Works Act, Section 41
- Acquisition of lands, buildings, waters, etc.		(b) rent, with such conditions, covenants and stipulations as may be deemed requisite, or may purchase, at its option, such lands and buildings, wells, waters, and privileges as in the opinion of the council may, during the construction or at any future time, be necessary or expedient for carrying out the purposes of this Act.	Municipal Public Works Act, Section 4
- Expropriation of land for public utility		(c) authorize its engineers, servants and workmen, from time to time and at such times as the council considers fit, subject to The Municipal Expropriation Act, to: (i) enter into and upon, take or use the land of any person, body politic or corporate in the municipality or within any distance thereof; (ii) survey, set out and ascertain such parts thereof as are required for the purposes of a utility; and (iii) contract with the owner or occupant, etc. for the purchase or renting thereof for the purposes of a utility.	Municipal Public Works Act, Section 5, with some changes.

- Construction of necessary works		(d) construct, erect and maintain in and upon any land acquired under this Act all reservoirs, waterworks, gas works or wells and shafts, dams, buildings, machinery or other things requisite for the public utilities authorized under this Act, and for conveying water, gas, electricity, heat or power through the same by such lines of pipes, ditches, poles, or wires as may from time to time be found necessary or expedient; and may lay down pipes, excavate ditches, erect poles and wires through the lands, and in, upon, through, over and under public highways, streets, lanes, roads, squares bridges or other passages, and for such purposes may break up, dig and trench it. (See also Section 22-25, Municipal Public Works Act.)	Municipal Public Works Act, Sections 6, 7, 8, in part. The language in this long, rambling clause obviously needs to be simplified!
(8) DUTIES OF MUNICIPALITY:			
- Restoration of lands, etc.		(a) All lands not being the property of the municipality and all highways, streets, lanes, roads, squares, bridges or other passages so dug up or interfered with shall be restored to their original condition without unnecessary delay.	Municipal Public Works Act, Section 7(2).
- Public health and safety not to be endangered		(b) The municipality shall construct its gas and other works and all apparatus and appurtenances thereunto belonging or appertaining or connected therewith and wherever situated so as not to endanger the public health or safety.	Municipal Public Works Act, Section 26.
- Restrictions when gas mains already existing		(c) If any person, firm or company has laid down main pipes for the supply of gas in or through any of the streets, squares or public places of the municipality, the municipality shall not,	This is section 31 of The Municipal Public Works Act.

Subject	Section	Recommendation	Reasons for Recommendation
		without the consent of that person, firm or company first had and obtained nor otherwise than upon payment to that person, firm or company of such compensation as may be agreed upon, lay down any main pipe for the supply of gas within six feet of the main pipes of that person, firm or company, or if it is impracticable to cut drains for such main pipes at a greater distance, then as nearly six feet as the circumstance of the case will admit. This section is subject to any antecedent agreement between such person, firm or company and the municipality.	At the time of writing this report the Committee is not aware of any municipalities involved in the operation of a gas utility. If there is none, this section should be deleted.
- Duty to supply utility		(d) Where the municipality has constructed works for supplying the municipality with light, heat or power as hereinbefore provided, and where there is sufficient supply thereof, it shall be the duty of the municipality to supply all buildings within the municipality situated upon land lying along the line of supplies, upon the same being requested by the owner, occupant or other person in charge of any such building, at the customary charges and on the customary terms.	This is Section 27 of The Municipal Public Works Act. The Committee prefers Alberta's section 295, which reads: "Where the municipality has constructed any public utility and where there is sufficient plant capacity or supply thereof, the municipality shall supply, upon such terms as the council considers advisable, any building within the municipality and situated upon land lying along the line of the public utility, and upon the supply being requested by the owner or occupant or person in charge of the buildings".
(9) PUBLIC UTILITY BYLAWS		A council may pass bylaws	
- general conduct		(a) for the general maintenance or management or conduct of any public utility constructed or maintained, and of the officers and others employed in connection with them.	Part of Municipal Public Works Act, Section 28.
- fixing utility rates		(b) fixing in connection with public utilities such rates, charges, tolls, fares and rents and the	Part of Municipal Public Works Act, Section 28.

		times and places where they will be payable and providing for such discount as the council considers expedient for prepayment or punctual payment, or an additional percentage charge of the rates, tolls, fares, or rents in arrears as the council considers advisable for failure to pay them until after the date fixed for payment.	
- lease of meters and other things to consumers		(c) providing for the rent of fittings, machines, apparatus, meters or other things leased to consumers.	Part of Municipal Public Works Act, Section 28.
- collecting rates, etc.		(d) providing for the collecting of the rates, charges, tolls, fares or rents in connection with any public utility.	Part of Municipal Public Works Act, Section 28.
- prohibitions on public utility user		(e) prohibiting the tenant, occupant or inmate of any house, building or other place supplied with a public utility from:	Municipal Public Works Act, Section 18(1) but substituting "public utility" for water.
		(i) lending, selling or disposing of the public utility;	
		(ii) giving it away or permitting it to be taken or carried away;	
		(iii) using or applying it to the use or benefit of others or to any other than his own use and benefit; or	
		(iv) increasing the usage of the public utility beyond that agreed upon with the municipality, or wrongfully neglecting or improperly wasting the public utility and the bylaw may provide that any person who contravenes the bylaw may forfeit the	Municipal Public Works Act, Section 18(1)(d), but substituting "usage" for "supply". Alberta, Section 303(2).

Subject	Section	Recommendation	Reasons for Recommendation
		right to be supplied with the public utility and shall be guilty of an offence and liable to a fine.	
(10) Penalties for misuse of public utilities		Any person who	
		(a) wilfully or maliciously hinders or interrupts or causes or procures to be hindered or interrupted the municipality or its contractors, servants agents, workmen, or any of them, in the exercise of any of the powers and authorities relating to public utilities and authorized by or contained in this Act; or	MPWA, Section 42(a).
		(b) wilfully or maliciously lets off or discharges water or gas or heat so that it runs waste or useless; or	MPWA, Section 42(b).
		(c) not being in the employment of the municipality and not being a member of the fire department and authorized in that behalf, wilfully opens or closes any hydrant, or obstructs the free access to any hydrant, stopcock, chamber pipe or hydrant chamber by placing on it any building material, rubbish or other obstruction; or	MPWA, Section 42(c).
		(d) throws or deposits any injurious noisome or offensive matter into the water or waterworks or upon the ice in case such water is frozen or in any way fouls the water or commits any wilful damage or injury to the works, pipes or water or encourages the same to be done; or	MPWA, Section 42(d).
		(e) wilfully alters any meter placed upon any service pipe or connected therewith within or without any house, building or other place so as to lessen or alter the amount of water, gas electricity or heat registered thereby unless specially authorized by the municipality for that particular purpose and occasion; or	MPWA, Section 42(e).

		(f) lays or causes to be laid or attached any pipe or main or rod to communicate with any pipe or main or wire or rod of the public utility or in any way obtains or uses any water, gas, electricity, or heat thereof without consent of the municipality; or	MPWA, Section 42(f).
		(g) washes or cleanses cloth, wool, leather, skin or animals or places any nuisance or offensive thing within the distance of one mile above the source of supply for such waterworks, in any river, pond, creek, spring, source or fountain from which the water of the waterworks is obtained, or conveys, casts, throws or puts any filth, dirt, dead carcass or other noisome or offensive thing therein or within the distance as above set forth, or causes, permits or suffers the water of any sink, sewer or drain to run or be conveyed in the same or causes any other thing to be done whereby the water therein may be in any way tainted or fouled; or	MPWA, Section 42(g). See also The Water Resources Management Act, Section 27, which also prohibits discharge of polluting substances capable of changing the quality of water or causing water pollution.
		(h) wilfully, and without authority, hinders, interrupts or cuts off the supply of a public utility;	New, but is found in section 305 of Alberta's Municipal Government Act.
		is guilty of an offence and liable on summary conviction to a fine of not more than $500.	Existing legislation provides for fines of $1 to $100.
Application of penalties		Delete section 43 of MPWA, which says that money penalties paid to the convicting justice shall be divided equally between the municipality and the prosecutor, unless the prosecutor is an officer or servant of the municipality in which case the whole of the penalty shall be paid to the municipality.	Section 135 of UMA appears to deal adequately with the disposition of fines.

Subject	Section	Recommendation	Reasons for Recommendation
(11) Enforcing payments		(1) The municipality may enforce payment of the rates, charges, tolls, fares or rents by all or any of the following methods, namely:	MPWA, Section 14(2) - covers water rates only.
		(a) by action in any court of competent jurisdiction, or	MPWA, Section 29(1) (modified) and 14(2).
		(b) by shutting off the utility being supplied to the consumer or discontinuing the service thereof, or	
		(c) by distress and sale of the goods and chattels of the person owing such rates, charges, tolls, fares or rents wherever they may be found in the municipality.	MPWA, Section 29(1) (modified) and 14(2).
		(2) Where the occupant is the owner or purchaser of a building or lot or part of a lot, the sum payable by him for the public utility supplied by the municipality to him or for his use and all rates, costs, and charges imposed or loans made to him under any bylaw or resolution passed under this Part of the Act are a preferential lien and charge on the building or lot or part of a lot and on the personal property of the debtor and may be levied and collected in like manner as municipal rates and taxes are recoverable.	MPWA, Section 13(2), modified to conform to Alberta's Municipal Government Act, Section 298(1).
		(3) Where the occupant to whom the public utility has been supplied is a person other than the owner or purchaser of the building or lot or part of a lot, the sum payable by the occupant is a debt due by him and shall be a preferential lien and charge on his personal property and may be levied and collected with costs by distress.	This provision is not in the existing legislation, and in view of Section (1)(c) above, may be unnecessary. It is found in Section 298(2) of Alberta's Act.

		(4) The distress and sale shall be conducted in the same manner as distresses and sales are conducted for arrears of taxes and the costs chargeable shall be those payable under The Distress Act.	MPWA, Section 29(2) and 14(3).
		(5) An attempt to collect rates by process hereinbefore mentioned shall not invalidate the lien on the premises in respect of which the indebtedness is incurred.	MPWA, Section 33(1).
(12) Enforcing terms and conditions by discontinuing service		The municipality may provide for enforcing the terms and conditions under which the public utility is supplied either (a) in the general bylaw under which the public utility is supplied, or (b) in the agreement made between the municipality as supplier and the consumer, by shutting off the public utility being supplied to the consumer or disconnecting the service thereof until the consumer complies with the terms and conditions or such of them as the council designates in the bylaw.	Patterned after Alberta's Section 277(1)(f). Existing legislation is spread over two sections of MPWA, i.e., 14(2) and 29(3).
(13) Entry and removal of meters, etc.		Where a consumer discontinues the use of a public utility furnished by the municipality, or the municipality lawfully refuses to continue to supply the same, the officers and servants of the municipality may at all reasonable times enter the premises in or upon which the consumer was supplied with a public utility for the purpose of removing therefrom any fittings, machines, apparatus, meters, pipes, or other things, the property of the municipality in or upon the premises, and may remove them therefrom doing no unnecessary damage.	MPWA, Section 29(3) - modified to include all public utilities, not just electricity, gas or heat.

Subject	Section	Recommendation	Reason for Recommendation
(14) Power to enter premises for authorized purposes		(1) For the purpose of conducting sampling tests or inspecting, repairing or placing meters upon any service pipe or connection within or without any house or building as is considered expedient an official authorized by the municipality for that purpose shall have free access, at proper hours of the day and upon reasonable notice given and request made, or, in the case of the written authority of the mayor given in respect of the special case, without notice, to all parts of every building or other premises in which water, gas, electricity is delivered and consumed or that is served by a sewer.	Part of MPWA, Section 12, modified.
(15) Meters		(2) For the purposes set out in subsection (1) or for the purpose of protecting or regulating the use of such meter, or other equipment, any official authorized by the municipality, may set or alter the position of it or of any pipe, wire connection or tap.	MPWA, Section 12.
		(3) The municipality may fix the price to be paid for the use of the meter and the times when and the manner in which the price will be payable and may also charge for and recover the expenses of such alterations, and such price and expense of such alterations may be collected in the same manner as utility rates.	MPWA, Section 12.
(16) Works vested in municipality		All works, wells, pipes, poles, erections and machinery requisite for any public utility are vested in and are the property of the municipality.	MPWA, Section 9, modified.

(17) Separate books of account to be kept		The council shall cause to be kept separate books of account showing its revenues, expenditures, assets and liabilities, in respect to each utility operated.	This is new, but is a reasonable expectation. The Municipal Act of Manitoba, and the City of Winnipeg Act, both contain a similar provision.
(18) Property exempt from execution		All materials procured or partly procured under contract with the municipality, and upon which the municipality has made advances in accordance with such contract, shall be exempt from seizure under execution.	MPWA, Section 35, unchanged.
(19) Property exempt from distress		Property owned by the municipality under the authority of this Act shall not be liable to seizure by distress for rent.	
(20) Conduct of passengers on public vehicles		The council may pass bylaws to regulate and control, in any respect, the conduct of passengers on public vehicles.	This is new. Appears as Section 306 in Alberta's Municipal Government Act.
(21) Liability to municipality for damage		All persons who by themselves, their servants or agents, by act, default, neglect or omission occasion any loss, damage or injury to any public utility constructed under this Act or to any plant, machinery, fitting or appurtenance thereof, are liable to the municipality for or in respect thereof.	New. Appears as Section 304 of Alberta's Municipal Government Act.
(22) Non-liability of municipality for damages		The municipality is not liable for damages: (a) caused by the break of any public utility main, service pipe, line, power cable or attachment, or for the breaching of any ditch, or (b) caused by the interference of any supply of any public utility necessary in connection with the repair or proper maintenance of the public utility, or	MPWA, Section 16, expanded to include other utilities in addition to water. Reference to mandatory notice of intention to shut off water for more than six hours has been dropped as too paternalistic.

Subject	Section	Recommendation	Reason for Recommendation
		(c) generally for any accident due to the operation of any public utility.	
(23) No unnecessary damage to be done		The municipality shall do as little damage as possible in the execution of the powers by this Act granted to it and shall make reasonable and adequate satisfaction to the owners, occupiers or other persons interested in the land, water, rights or privileges entered upon, taken or used by the municipality or injuriously affected by the exercise of its powers, and, in case of disagreement, the compensation or damage shall be ascertained as provided in like cases by The Municipal Expropriation Act.	MPWA, Section 32.
(24) Stopcocks		A stopcock placed by the municipality inside the wall of the building shall not be used by the public utility user except in cases of accident or for the protection of the building or the pipes or to prevent the flooding of the premises.	MPWA, Section 11(2).
(25) Water taps		Persons supplied with water by the municipality may be required to place only such taps for drawing and shutting off the water as are approved of by the municipality.	MPWA, Section 11(3)
(26) Power to sell property		Repeat Section 38 of The Municipal Public Works Act.	

Chapter 6

LOCAL IMPROVEMENTS

Historical Background

The Local Improvements Act first appeared on the statute books of Saskatchewan in the year 1963. Until then the law respecting local improvements and special assessments was contained in the separate City, Town, and Village Acts. As might be expected the provisions of the separate acts were similar but not at all uniform. The early 1960's witnessed a dramatic increase in the number of local improvement projects being undertaken by urban municipalities. Initially there were numerous water and sewer installations in the towns and villages, stimulated no doubt by the availability of grants under The Municipal Water Assistance Act. With the water and sewer systems installed, there followed a demand for street improvement projects, storm drainage, sidewalks, curbs and gutters, and paving. To the people involved (both provincial and municipal) in the approval and construction of such projects there was obviously a need for uniform legislation governing local improvements and special assessments. Consequently, these provisions were taken out of the separate Act and embodied in a single statute which became The Local Improvements Act.

It will be recalled that in 1968 the law governing municipal elections procedures was likewise taken out of the separate City, Town and Village Acts and consolidated into a single statute, which became The Urban Municipal Elections Act. This consolidation was followed, in 1970, by the consolidation of the City, Town and Village Acts into The Urban Municipality Act. Now that all three classes of urban municipalities are governed by a single municipal act, a good case can be made for still further consolidation by bringing the local improvements legislation and the elections legislation back into The Urban Municipality Act.

It is interesting to note that The City Act of 1909 included seven different kinds of work which may be taken to mean "local improvements", including:

- curbing, sodding, boulevarding or planting any street or public lane, alley, square or other public place;

- reconstructing (but not the mere repair and maintenance) of any of the said works during the originally estimated lifetime thereof;

- the repairs and maintenance thereof after the lapse of the originally estimated lifetime thereof.

In the 1915 Act the list of eligible local improvements was expanded to 12 items by the addition of:

- acquiring, establishing, laying out and improving a park or square not having a greater area than two acres, or a public drive;

- erecting ornamental street lighting standards;

- installing high pressure water mains specially constructed for the purposes of fire protection;

- constructing . . . plant and works for the purpose of supplying electric light or power, including standards and underground conduits and wires . . . to the extent that the cost . . . exceeds the cost . . . which would otherwise be provided at the expense of the corporation at large;

- such other work as may be approved of by the Local Government Board as proper to be undertaken as a local improvement.

With regard to the repair of works constructed as a local improvement the 1909 law was changed to make it clear that repairs and maintenance may be undertaken as a local improvement only after the lapse of the originally estimated lifetime of the work. For some reason the word "only" was dropped in subsequent revisions.

The 1965 Act shows only 10 kinds of work which are eligible as local improvements. Five items, which appeared in the 1915 Act, were deleted:

- curbing, sodding, etc.;

- reconstructing . . . during the originally estimated lifetime thereof; (in the Interpretation Section "constructing" includes "reconstructing");

- acquiring . . . a park, etc.

- ornamental street lighting standards; and

- high pressure water mains.

However, three new items were added, namely:

- constructing a spur track system and extensions thereto;

- making sewer or water service connections to the street line or to any building or buildings situated on land abutting a main;

- resurfacing . . . a pavement although the lifetime of the existing pavement has not expired (provided that the municipality shall assume and pay the special assessments therefor until the expiration of the period for the special assessments for the existing pavement).

In the course of its review of local improvements legislation the Committee has noted three principal problems which municipalities have encountered in applying the existing law. They are:

(1) The Act does not provide for situations where such works as a watermain have to be reconstructed before the special assessments for the existing works have matured. The law provides only for the resurfacing of a pavement under such circumstances.

(2) There is confusion with respect to the municipality's responsibility for repairs and reconstruction of service connections because of apparent conflict between The Municipal Public Works Act and The Local Improvements Act. Under one Act the responsibility continues forever, while under the other the responsibility continues for the lifetime of the work.

(3) Some people have found the existing legislation too complex and have suggested that an attempt should be made to simplify it.

Conclusions

A study of the existing legislation respecting local improvements and special assessments, and a review of public reactions to the recommendations contained in our Interim Report, have led the Committee to the following conclusions:

1. The purpose of this legislation is to enable municipalities to undertake works and activities in the nature of public improvements the physical location and benefits of which are confined to a particular locality of the municipality; and to charge all or part of the cost of the improvements against the property which is deemed to be benefiting by the improvements. Where the work consists of improvements which to some extent benefit the municipality as a whole, the municipality may assume part of the cost and the remainder of the cost may be charged against the lands in the specially benefited area.

2. In keeping with the Committee's objective of making the law more flexible and giving municipalities more options with respect to the management of local affairs, the list of eligible works that may be undertaken as local improvements needs to be expanded. There should be included in the list such items as the replacement of works before the lapse of the originally estimated lifetime, and some new items (such as the provision of recreation facilities) which are provided for in the laws of neighboring provinces. This is not to say that municipalities must undertake such works in the future as local improvements. The legislation should only say that they may do these things if they should so decide. Moreover, some items which are currently in The Urban Municipality Act rather than in The Local Improvements Act, should be brought together as local improvements; e.g., parkades (Sec. 155), dust laying material, special sewer levy, and spur track frontage charge (Sec. 362-364).

3. The principles of the existing legislation should be retained insofar as they are consistent with the above conclusions, namely that:

   (a) the municipality has the right to make special assessments against property deemed receiving special benefits in excess of the benefits accruing to the general public;

   (b) generally speaking, there should be no exemptions from special assessments, regardless of whether or not the owner is exempt from taxation at the uniform municipal rate;

   (c) the property share of the costs constitutes a lien against the land and is recoverable by equal annual charges over a fixed period of time, which shall not exceed the estimated lifetime of the work; future instalments are not considered to be encumbrances as between a vendor and a purchaser where the vendor has undertaken to convey title free of encumbrances, and a change of ownership does not affect the right of a municipality to impose special assessments; and

(d) where debentures have been issued to pay for a local improvement project, the debentures are an obligation of the whole municipality and the debenture holders look to the municipality, not to the individual property owners, for the payment of the annual instalments of principal and interest.

4. The owner of property which has been specially assessed should continue to have the right:

   (a) to object and to petition against a proposed work, provided that by a two-thirds vote of the whole council, and with the approval of the Local Government Board, a project may be undertaken without the right of owners to petition against the work;

   (b) to appeal through normal channels against the assessment or amount of the assessment;

   (c) to prepay his share of the total cost before the debentures are issued; and

   (d) to commute future instalments after the debentures have been issued.

5. There is no compelling reason for allowing municipalities to use property frontage as the only basis for allocating the cost of local improvements among the benefiting properties. There are other bases (such as land area, value of land, value of land and buildings) which for some kinds of projects may be more appropriate than frontage.

6. Since the consolidation in 1970 of the City, Town and Village Acts into one Urban Municipality Act, there is no great advantage in retaining The Local Improvements Act as a separate statute. It ought to appear as a part of The Urban Municipality Act.

Recommendations

It is therefore recommended:

1. That the legislation governing local improvements and special assessments by municipalities be rewritten on the basis of the above conclusions;

2. That the content of the legislation follow as nearly as possible the outline attached hereto as Schedule I;
3. That the types of works which may be undertaken and specially assessed for under the provisions of this legislation include all of the items listed in Schedule II attached hereto;
4. That the law respecting local improvements and special assessments be consolidated with The Urban Municipality Act;
5. That in the event it should be decided to take out of The Urban Municipality Act and The Rural Municipality Act all the provisions respecting assessment and taxation and create a new Assessment and Taxation Act, consideration be given to consolidating with such an Act all the provisions respecting local improvements and special assessments (as has been done in Alberta).

Schedule I

PROPOSED LEGISLATION RESPECTING LOCAL IMPROVEMENTS AND SPECIAL ASSESSMENTS

OUTLINE OF CONTENT

1. SHORT TITLE (if a separate Act)

2. INTERPRETATION of certain words and phrases

3. WORKS AND ACTIVITIES that may be undertaken as local improvements (See Schedule II)

4. PROCEDURE FOR UNDERTAKING A LOCAL IMPROVEMENT

   (a) On petition of owners

   - determining sufficiency of petition
   - effect of petition

   (b) On Initiative of Council

   (i) Subject to right of owners to petition against

   - notice of intention
   - effect of petition

   (ii) With no right of owners to petition against

   - by 2/3 vote of council
   - with Local Government Board approval

   (c) Bylaw to undertake work

   - content and procedure for passing

5. DETERMINATION AND ALLOCATION OF COST

   (a) Items that may be included in cost

   (b) Apportionment of cost between benefiting owners and municipality

   (c) Treatment of grants and cash contributions

   (d) Uniform rate bylaws, adoption and revision

   (e) Estimated cost and actual cost; surplus and deficits.

6. SPECIAL ASSESSMENTS

   (a) Property subject to special assessments

   - fronting
   - non-fronting but in a local benefit area

Schedule I (con't)

(b) BASES for special assessments

- frontage
- value of land
- value of land and improvements
- land area
- or a combination of two or more of the above

(c) Assessing flankage, irregular shaped lots; land exempt from taxation

(d) Notice of Owners

(e) Appeals; disposition of appeals

7. FINANCING THE COST OF LOCAL IMPROVEMENTS

(a) Owner's Share

(b) Municipality's Share

(c) Temporary Loans pending issue of debentures

(d) Prepayments before issue of debentures

(e) Commutation of future special assessments, after issue of debentures

8. MISCELLANEOUS

(a) Determination of lifetime of works

(b) Responsibility for

- repairs and maintenance
- replacement

(c) Other

9. FORMS

(a) Petition for Work

(b) Notice of Intention (with right of petition against work)

(c) Notice of Intention (without right of petition against work)

(d) Notice of Assessment

(e) Notice of Court of Revision

Schedule II

WORKS THAY MAY BE UNDERTAKEN AS LOCAL IMPROVEMENTS

1. Opening, widening, straightening, diverting, extending, grading, levelling, gravelling, macadamizing or paving a street.

   Note: A. A "street" means a public highway as defined in The Highways Act, which says that a public highway means "a road allowance or a road, street or lane, vested in Her Majesty or set aside for such purpose under The North-West Territories Act or an Act of Saskatchewan, and includes a bridge, culvert, drain or other public improvement erected upon or in connection with such public highway".

   B. In Ontario a "street" also includes: "alley, park, square, public drive and public place, or a part of any of them".

   C. All of the above works may be undertaken as local improvements under the existing legislation except gravelling, which is authorized as a dust palliative by section 362 of The Urban Municipality Act.

2. Sweeping, watering, oiling or treating with any other substance for maintaining a dustless or partially dustless surface, of any street.

   Note: This is currently provided for by section 362 of The Urban Municipality Act.

3. Planting and caring for trees, shrubs and plants in and upon any street (Manitoba); sodding, boulevarding or planting any street (Alberta and Ontario); cutting grass or weeds or trimming trees or shrubbery on any boulevard or street (Alberta).

   Note: None of the above is provided for in existing legislation, but municipalities in other provinces, as indicated, have the option to undertake these activities and specially assess the abutting properties for all or part of the cost.

4. Making, deepening, enlarging or extending a sanitary sewage system, storm sewer or combined sanitary and storm sewer system.

5. Acquiring, constructing, deepening, enlarging or extending a water system.

6. Constructing a conduit for wires or pipes along, over or under a street (or on or under public property from such street).

7. Constructing and erecting on a street, or any part of a street, standards and underground conduits and wires, to the extent to which the cost thereof exceeds the cost of works that would otherwise be provided at the expense of the municipality.

Schedule II (con't)

8. Constructing a spur track system and extensions thereto.

9. Making sewer or water service connections to the street line or to any building or buildings situated on land abutting a main.

   Note: As an alternative this item could be included as part of items 4 and 5 above.

10. Repairing and maintaining any local improvements only after the expiration of the originally estimated lifetime thereof.

11. Reconstructing any local improvement after the expiration of the originally estimated lifetime thereof.

12. Reconstructing any local improvement project before the expiration of the originally estimated lifetime thereof, provided that the municipality shall assume responsibility for and pay the special assessments for such reconstruction until the expiration of the period during which the lots are subject to special assessments for the existing work.

    Note: Section 22 of The Local Improvements Act permits only resurfacing with asphalt to be undertaken under these conditions.

13. Acquisition, design, erection, construction, operation and maintenance of street malls, plazas and public walkways and amenities thereto for the purpose of contributing to the convenience, attractiveness and aesthetic appearance thereof.

    Note: This appears in Alberta's Act.

14. Installing high pressure water mains specially constructed for the purpose of fire protection.

    Note: This, for reasons unknown, has been removed from our Act, but appears to have been retained by other provinces.

15. Purchasing, leasing, or otherwise acquiring land and erecting or constructing facilities for the purpose of providing and maintaining off-street parking for vehicles.

    Note: A provision for parkades is found in section 155 of The Urban Municipality Act.

Schedule II (con't)

16. The acquisition of land for a park and the creation of a park, and all expenses connected therewith.

    Note: There is no provision for parks under our existing local improvements legislation; but Alberta's Act includes a park as an eligible local improvement project.

17. Constructing a sidewalk, curbing, bridge, culvert, dyke to contain flood waters or embankment forming part of a street.

    Note: In Manitoba, this item includes a pier, wharf, landing, subway.

18. The construction of fire walls (and the acquiring of land for same);

    Note: This appears in both Alberta and Manitoba Acts.

19. The purchase or expropriation of the necessary land or other property for the effectual performance of the local improvement. (Manitoba)

20. Such other work or activity as The Local Government Board may, upon application by the municipality, authorize the municipality to carry out as a local improvement.

    Note: The word "activity" appears in Manitoba's Act only. It reads "any other work or activity specified in this Act or any other Act as a work or activity that may be done as a local improvement".

21. Special charges in respect of certain buildings that impose a heavy load on a sanitary sewer, storm sewer or water system.

    Note: This is provided for by section 363 of The Urban Municipality Act.

22. The acquisition of land for a recreational facility and the construction, enlarging or extending of recreational facilities and all expenses connected therewith.

Chapter 7

RECOMMENDATIONS REPSECTING THE CIVIL DEFENCE ACT

The Urban Law Review Committee has studied a submission prepared by the Director of the Saskatchewan Emergency Measures Organization.

It was suggested to the Committee that the chief problem municipalities have experienced with the existing legislation is that it gives little real power to the municipal council, or to the minister, to respond promptly and effectively to an emergency and to take whatever action may be necessary for the protection of people's lives and property.

Members of this Committee who have had some practical experience in dealing with emergency situations arising from spring flooding and the like, have confirmed that they have found it necessary at such times to take action for which there was no statutory authority.

The Committee accordingly recommends that Chapter C-12, The Civil Defence Act, be revised to give necessary additional powers to provincial and municipal authorities to enable them to respond more effectively in emergency situations in any part of the province.

This recommendation appeared as Recommendation No. 51 in the Committee's Interim Report of July, 1979, which was widely distributed throughout the province. Neither the municipal officials nor the general public have raised any objections, or made any comments, with respect to the proposed legislation. The Committee therefore recommends that the following provisions be included in the Act:

1. Upon the making of the declaration and for the duration of the state of emergency the Minister may do all acts and take all necessary proceedings including the following:

    (a) cause any emergency plan or program to be put into operation;

    (b) acquire or utilize any real or personal property considered necessary to prevent, combat or alleviate the effects of an emergency or disaster;

    (c) authorize or require any qualified person to render aid of such type as he may be qualified to provide;

(d) control or prohibit travel to or from any area of Saskatchewan;

(e) provide for the restoration of essential facilities and the distribution of essential supplies and provide, maintain and co-ordinate emergency medical, welfare and other essential services in any part of Saskatchewan;

(f) cause the evacuation of persons and the removal of livestock and personal property from any area of Saskatchewan which is or may be affected by a disaster and make arrangements for the adequate care and protection of those persons or livestock and of the personal property;

(g) authorize the entry into any building or upon any land, without warrant, by any person in the course of implementing any emergency plan or program;

(h) cause the demolition or removal of any trees, structures or crops if the demolition or removal is necessary or appropriate in order to reach the scene of a disaster, or to attempt to forestall its occurrence or to combat its progress;

(i) procure or fix prices of food, clothing, fuel, equipment, medical supplies, or other essential supplies and the use of any property, services, resources or equipment within any part of Saskatchewan for the duration of the state of emergency;

(j) authorize the conscription of persons needed to meet an emergency.

2. Where the Minister acquires or utilizes any real or personal property or where any property is damaged or destroyed due to an action of the Minister in preventing, combatting or alleviating the effects of an emergency or disaster, the Minister shall cause compensation to be paid therefor.

3. When in the opinion of the Lieutenant Governor in Council an emergency no longer exists in any area of Saskatchewan in relation to which a declaration of a state of emergency was made, he shall make an order terminating the declaration of a state of emergency in respect of that area.

4. The local authority of a municipality may, at any time when it is satisfied that an emergency exists or may exist, by resolution make a declaration of a state of local emergency relating to all or any part of the municipality.

5. Upon the making of a declaration of a state of local emergency and for the duration of the state of local emergency, the local authority may do all acts and take all necessary proceedings including the following:

(a) cause any emergency plan or program to be put into operation;

(b) exercise any power given to the Minister given above in relation to the part of the municipality affected by the declaration.

6. In addition to the powers of the Minister itemized in Section 8 of The Civil Defence Act, the Minister shall:

(a) be responsible for the overall control and budgeting of all moneys to be expended on emergency planning by provincial departments and agencies and municipalities under the Federal-Provincial financial assistance program;

(b) make payments, subject to such terms and conditions as he may prescribe, to local authorities for the purpose of operating municipalities emergency measures organizations;

(c) delegate to the Provincial Director any of the powers or duties vested in the minister by this Act;

(d) establish procedures required for the prompt and efficient implementation of plans and programs to meet emergencies;

(e) develop in conjunction and in co-operation with the provincial departments and federal and municipal authorities, a plan to ensure the continuity of government in an emergency;

(f) for the purpose of organizing and developing integrated emergency planning, training, assistance and emergency operations programs, divide the province into areas, which shall be known as Mutual Aid Areas;

(g) require designated municipalities within the areas to form an emergency measures organization and develop plans and procedures for mutual assistance programs to deal with emergencies or disasters within their area;

(h) require municipalities within the area to provide an elected official as the municipal representative to the Mutual Aid Area.

7. Where a state of emergency has been declared by authority of the Act the declaration shall be valid for a period of seven days, after which time it would have to be reissued if it was still necessary.

8. The proposed Act should include a section providing for penalties for violation of the Act.

Chapter 8

RECOMMENDATIONS RESPECTING THE PLANNING AND DEVELOPMENT ACT

In the course of its review of existing legislation the Committee identified the following issues, problems and needs with respect to The Planning and Development Act:

a. THE DELAYS EXPERIENCED BY MUNICIPALITIES IN THE PROCESSING OF SUBDIVISION APPLICATIONS AND IN OBTAINING MINISTERIAL APPROVAL OF ZONING AMENDMENTS (a matter of procedures and resources);

b. THE ADMINISTRATIVE DIFFICULTIES ARISING FROM THE INABILITY OF THE DEPARTMENTAL STAFF TO KEEP UP WITH RAPIDLY INCREASING DEMANDS UPON THEM AS OPPOSED TO ISSUES OF PLANNING LAW (a matter primarily of resources but subject to amelioration by some legislative changes);

c. THE NEED FOR COMPREHENSIVE AREA-WIDE PLANNING (a matter of provincial initiative or of inter-municipal co-operation)

d. THE NEED FOR FLEXIBILITY IN THE APPLICATION OF DEVELOPMENT CONTROL LEGISLATION (a matter for legislative action);

e. THE ESTABLISHMENT OF A SYSTEM OF PLANNING IN SASKATCHEWAN WHICH WILL NOT ONLY ACCEPT THE INDEPENDENCE AND AUTONOMY OF INDIVIDUAL MUNICIPAL UNITS WITH RESPECT TO PLANNING MATTERS BUT ALSO RECOGNIZE THE INTERDEPENDENCE OF COMMUNITIES (a matter of balance between administrative procedures and practices and legislative structures requiring acceptance of and commitment to the principles of maximum autonomy and optimum co-operation leading to mutual compromise as opposed to application of the sheer weight of numbers and political power);

f. THE ESTABLISHMENT OF A MECHANISM FOR RECONCILING THE OFTEN CONFLICTING INTERESTS AND DESIRES OF THE VARIOUS ELEMENTS OF THE PUBLIC CONCERNED WITH COMMUNITY PLANNING - NAMELY THE PROPERTY OWNERS, THE CITIZENS OF THE MUNICIPALITY AS A WHOLE, THE DISTRICT, THE REGION OR THE ENTIRE PROVINCE (a matter of public participation, public hearings and appeals procedures); and,

g. THE NEED FOR HOUSEKEEPING AMENDMENTS AS RECOMMENDED BY THE CITIES OF REGINA AND SASKATOON IN THEIR WRITTEN SUBMISSIONS AND CONFIRMED BY THE COMMENTS OF OTHERS AND BY THE DEPARTMENTAL REVIEW OF THE ACT (a matter of technical and legal attention and review in the drafting of the Act).

The Committee's Interim Report indicated that despite the expenditure of a great deal of time on the Act and on the evaluation of the above issues the Committee was unable, at the time of the report, to develop a definitive position with respect to the content and format of a new Planning and Development Act. However, the Committee did reach some broad general conclusions which may be regrouped and reworded as follows:

1. That planning policies should be developed at the grass roots level rather than imposed from the top; that is, participation at the local level and considerable local autonomy are very desirable even though senior level encouragement and guidance may be a necessary element of local action;

2. That there is a very urgent need for sound community planning in the growth areas of the province and that in other areas all municipalities should have or be a joint participant in an appropriate planning bylaw;

3. That, in planning, inter-municipal co-operation is essential in dealing with extra-municipal issues at the local level; that is, individual municipalities are able to perform very local community planning tasks effectively but they are not appropriate units for purposes of all community planning issues and functions;

4. That for planning purposes there is a need for some kind of an intermediary organization between the local municipalities on the one hand and the provincial government on the other;

5. That the work of the Provincial Land Use Policy Committee will provide a basic philosophy, framework and background which the municipalities, through some form of district or regional planning structure, will be able to draw on to develop and implement local, district and regional land use policies; and last but not in any manner the least,

6. That to foster good community planning, considerable financial input from the province will be needed.

Although the Committee was unable at that time to come up with a definitive position with respect to planning, it did make a general recommendation (No. 62 of the Interim Report), which was supplemented by a list of eleven recommended changes, which are repeated below:

1. That the province encourage planning on an area-wide basis through a provincial-municipal partnership approach in district and/or regional planning, involving:

   (a) the refinement of the provincial land use policies on a regional basis and the preparation of regional land use plans,

   (b) the provision of planning advisory services to municipalities on a nominal fee for service basis, and

   (c) the delegation of subdivision approval authority to a planning commission where, in the Minister's opinion, the commission has developed the planning for the area, built up a suitable staff complement and gained the competence to process subdivision application consistently within an adopted policy framework.

2. That local autonomy and accountability be strengthened by removing ministerial approval in those cases not affected by the potential for discrimination, expropriation or conflict with provincial interests and that even in such cases an optional appeal procedure be available to any municipality with an approved municipal development plan.

3. That urban municipalities with a population in excess of 3,000 persons be required to (a) commence preparation of a municipal development plan upon passage of the legislation, and (b) complete and adopt the plan within five years of the effective date of the legislation with the provision that on the expiration of the five-year period zoning bylaws of such municipalities shall become null and void where not supported by a municipal development plan.

4. That provision be made for other municipalities to adopt a basic planning statement as the policy document from which the zoning bylaw is developed.

5. That the planning district provisions be revised to reflect the procedures used in establishing special planning area (SPA) commissions so that SPA's can be converted to planning districts which can function directly in achieving local government objectives. The present planning district commissions are advisory only and thus to effect a decision involves complimentary action by each member municipality. This is a cumbersome and unnecessarily complex administrative provision.

6. That options for provincial-municipal funding of district and regional planning be evaluated including:

   (a) the possibility of base funding within the revenue sharing program on a conditional basis;

   (b) a basic fee from each municipality on a taxable assessment formula, and

   (c) a fee for service basis for municipal planning services received by each member municipality.

7. That where they are established, regional planning commissions be required to prepare a regional land use plan using the Land Use Policy Committee publications as source documents and that a minimum of 25 per cent of their resources be required to be devoted to this end annually.

8. That provision be made in The Act for the preparation of structure plans as an intermediate step between the basic planning statement or development plan and the detailed site plan.

9. That the methods for providing public notice of proposed planning action be enlarged to permit notice by regular mail, householder notices and posting of property.

10. That the appeals procedures be reviewed and revised as necessary to permit satisfactory resolution of conflicts at the local level wherever possible.

11. That existing development control procedures be reviewed and revised with a view to adding the option of more flexible development control techniques to accommodate the unique situations that arise in the larger centres under rapid growth conditions. Techniques that should be evaluated include direct control districts, contract zoning, bonus zoning, transferable development rights, permitted and discretionary uses and architectural review boards.

The Committee is informed that technical and professional personnel in the Department of Urban Affairs are at work drafting a proposal for a new Planning Act which will deal with the issues identified by the Committee and hopefully will conform to the general principles we have enumerated. In view of this, it is not intended in this report to make detailed recommendations as to the format and content of the proposed Act.

Nevertheless, the Committee does wish to recommend in this report, by way of emphasis, the need for the following specific legislative changes:

1. REVISION OF THE PLANNING DISTRICT PROVISIONS IN THE ACT TO PROVIDE FOR THE ESTABLISHMENT OF PLANNING DISTRICT COMMISSIONS.

   (a) AS CORPORATE BODIES WITH POWERS TO PASS BYLAWS RELATED TO PLANNING ISSUES WITHIN THE AREA UNDER THEIR JURISDICTION; AND

   (b) CONSISTING OF:

      (i) ONE OR MORE MEMBERS APPOINTED BY THE COUNCIL OF EACH MUNICIPALITY THAT IS WITHIN THE PLANNING DISTRICT OR IS A PARTY TO THE PLANNING DISTRICT AGREEMENT,

      (ii) SUCH MEMBERS TO BE APPOINTED BY THE MINISTER AS MAY BE DEEMED NECESSARY BY THE PARTIES TO THE AGREEMENT, AND

      (iii) SUCH OTHER MEMBERS, NOT EXCEEDING 25% OF THE TOTAL NUMBER OF MEMBERS OF THE COMMISSION, AS MAY BE APPOINTED BY ALL THE MUNICIPALITIES INVOLVED IN THE DISTRICT.

   This revision would permit municipalities to establish planning districts which either included or excluded all or part of an urban municipality without excluding the urban council from being a party to the district planning exercise. The merit of this provision in the Act lies in the fact that the district planning commission would have power to pass bylaws which are binding on the whole district. Under existing legislation it is administratively impossible to carry on planning where five or six separate councils have to pass each district bylaw.

2. INCLUDING IN THE ACT A PROVISION AUTHORIZING THE MINISTER TO GIVE ASSISTANCE TO DISTRICT PLANNING COMMISSIONS IN THE FORM OF BOTH TECHNICAL AND ADMINISTRATIVE ASSISTANCE AND THE PAYMENT OF FINANCIAL GRANTS, SUBJECT TO SUCH TERMS AND CONDITIONS AS HE MAY CONSIDER ADVISABLE.

   This provision in the Act would satisfy the need noted by the Committee for considerable financial input from the province to foster good community planning.

Chapter 9

RECOMMENDATIONS RESPECTING THE CONDOMINIUM PROPERTY ACT

This statute apparently is under the jurisdiction of the Provincial Secretary's Department.

Sections 37 to 41 of the Act deal with assessment and taxation of condominium property, and therefore are of concern to urban municipalities.

Regina's City Assessor, in a brief to the Committee, states that strict application of the provisions of sections 37-41 creates some very inequitable assessments to the individual owners. He says that the main problem seems to be that there is no provision or regulations to govern the way or method of setting up unit factors as shown on the registered plan. He also says that further problems arise when a condominium development is completed in stages.

The Director of Assessments has informed the Committee that:

> "The more recent trend toward individually customized condominium units, and the trend toward multi-use condominium structures, has resulted in obvious inequities in the apportionment of assessed values, when the provisions of the existing statute are strictly applied."

and his proposed solution is:

> "The provision of an optional approach to the establishment of assessed values under certain conditions, at the discretion of the assessor."

To remedy this situation he has proposed amending the existing legislation by adding to the respective sections the words which are underlined below:

Sec. 2(1)(1) "unit" means an area designated as a unit in a condominium plan, and includes as part of the unit all such areas and improvements as are designed or intended to be exclusively used in connection therewith.

Sec. 39(1) Where an assessing authority causes a parcel to be assessed pursuant to an assessing Act, and the assessed value of the parcel is apportioned in the manner set out in section 40(1):

Sec. 39(4) Where an assessing authority causes a parcel to be assessed pursuant to an assessing Act, and the assessed value of the parcel is determined in the manner set out in section 40(2), each unit shall be deemed to be the property of the owner and not the corporation, for the purpose of objection to an assessment.

Sec. 40(2) Where the assessor determines upon investigation that the application of the unit factor established for a condominium unit does not provide an equitable apportionment of the total assessment for a condominium structure, he may elect to value each unit independently for assessment purposes, and the unit factor as required under sections 7(f) and 11(5) shall apply to the apportionment of the assessment of common property only.

Sec. 40(4) (Existing Sec. 40(c)) The owner of each unit comprised in the parcel is deemed to be the owner in fee simple in possession of the unit as if it was a separate parcel of land and improvements having an assessed value equal to that apportioned to it under subsection (1) or (2) and is, subject to any exemptions or concessions that may be applicable, liable accordingly for any rate, charge or tax levied by the assessing authority on the owners of land and improvements.

The Committee views the proposed changes as technical matters. Consequently, it is necessary to lean heavily upon the advice of professionals in the assessment field, the important issue being that condominium units are assessed in an equitable manner. The Committee, therefore, recommends the adoption of the above amendments.

The Committee is not satisfied that the provisions respecting assessment and taxation of condominium property belong in The Condominium Property Act. The logical place for sections 37 to 41 is in the Assessment part of The Urban Municipality Act so that all the laws respecting assessments would be in the same place.

It is therefore recommended that consideration be given to removing sections 37 to 41 from The Condominium Property Act and consolidating them with the assessment provisions of The Urban Municipality Act, if the legislation respecting assessments is retained in The Urban Municipality Act, or alternatively in a new Assessment and Taxation Act as suggested in Chapter 4 of this report.

Chapter 10

MISCELLANEOUS STATUTES

As stated in Chapter 1, the Committee in the course of its studies identified a total of 98 statutes which have reference to the urban municipal system of Saskatchewan.

The principal statute of course is The Urban Municipality Act, which was examined in Chapter 4. Two others, namely The Municipal Public Works Act and The Local Improvements Act, which in the view of the Committee ought to be consolidated with the principal Act because they are concerned exclusively with urban municipalities, were examined in detail in Chapters 5 and 6 respectively.

The Urban Municipal Elections Act is also concerned exclusively with urban municipalities. However, it has already been mentioned that the Committee has recommended the adoption of a uniform set of laws and procedures for both municipal and school elections. These are set out in a separate report as a proposal for a new statute entitled The Local Government Elections Act.

This chapter covers all the other statutes not already dealt with in this report which in any way have reference to the powers and duties of our cities, towns and villages. With respect to each statute, the specific powers and responsibilities which have been conferred or imposed upon the municipalities are highlighted, and the Committee's recommendations if any for changes in the existing law are noted.

Chapter	Title of Act	References to Municipalities	Comments and Recommendations
A-1	Abandoned Refrigerator Act	A peace officer or municipal employee to whom such duties have been assigned may remove hinges, latches or doors of an abandoned refrigerator, or have it moved to a place inaccessible to children; and the owner of the refrigerator does not have a cause of action against the peace officer or employee or their employer.	None.
A-17	Air Pollution Control Act	A municipality may make bylaws prohibiting or regulating and controlling the emission of air contaminants from open fires or fuel-burning equipment, but such bylaw shall have no effect unless approved by the minister. Fines of $50-$500 may be imposed upon individuals, and $500-$5,000 upon corporations for contravention of this Act, or a regulation or bylaw.	None.
A-26	Archives Act	Sec. 15 says that any municipality or school district may with the consent of the Archives Board deposit any of its non-current records or other documents with the board for preservation in the archives.	None.
A-32	Attachment of Debts Act	Sec. 8.--No debt due or accruing due to a city, town, village or rural municipality shall be liable to attachment.	None.

A-34	Auctioneers Act	No person shall carry on the business of auctioneer unless he holds a licence from the minister. Property sold by auction shall be sold by a licensed auctioneer, but this does not apply to sales on behalf of charitable organizations where no fee is charged by the auctioneer, or to property sold by authority of the municipality. The issue of a licence under this Act does not relieve the licensee from compliance with municipal licensing bylaw.	None.
B-6	Border Areas Act	Council of a border municipality on the Saskatchewan side may enter into an agreement with the local authority on the other side of the border for the extension across the border of the benefits of "any institution, works, construction, improvement or service". The scheme is subject to approval of Lieutenant Governor in Council who has power, among other things, to vary the application of statutory provisions, with the object of "effectuating the agreement".	None.
B-8	Building Trades Protection Act	Sec. 4 requires the council of every city to appoint a sufficient number of inspectors for the enforcement of this Act within the city. The Act contains regulations dealing with scaffolding, ladders, excavations, hoists, barricades, covered passageways, shoring, fencing, etc., in construction or demolition activities, in cities and towns.	None.

Chapter	Title of Act	References to Municipalities	Comments and Recommendations
		Nothing in this Act affects a municipal bylaw imposing additional or more stringent requirements than those imposed by the Act.	
B-9	Bulk Sales Act	Section 35 declares that municipal taxes "that are not a lien upon land" take priority over all other debts except wages and salaries. The stock shall be subject to a preferential lien in respect of taxes assessed in the year of the bulk sale and in the preceding year.	None.
C-4	Cemeteries Act	Approval of registrar is required to establish or use a cemetery. Application for registrar's approval shall be accompanied by a resolution from the council indicating that the municipality approves or does not oppose the application. Every cemetery other than a cemetery operated for gain is exempt from taxation of any kind. The owner shall provide graves for unclaimed bodies and for indigent persons free of charge. Where cemetery is not being properly maintained and the owner cannot be found or is unknown, the municipality may, with minister's approval, provide for the maintenance of the cemetery; or may expropriate.	None.
C-12	Civil Defence Act	See Chapter 7 of this Report.	

C-13	Closing-out Sales	This Act applies only to a municipality which has passed a bylaw declaring that the Act shall apply. Where bylaw has been passed, council may appoint an inspector to issue a licence to an applicant to conduct a closing-out sale. No person shall advertise or conduct a closing-out sale in a municipality unless he is a holder of a licence issued by an inspector. Licence fees: $25 for not over 30 days; $50 for 31-60 days; $75 for 61-90 days.	None.
C-18	Community Capital Fund Act, succeeded by Bill 94, The Community Capital Fund Program Act.	Purpose of program is to assist municipalities to acquire, construct and equip capital works during the period April 1, 1980 to March 31, 1985. Minister may make a grant to a municipality to a maximum of $100 per capita. Minister may require municipality to submit application to a vote of electors or burgesses. Minister may prescribe forms, terms and conditions, and procedure for conducting a vote pursuant to subsection 8(2).	Delete reference to burgesses in subsection 8(2). This provision is superfluous, as The Local Government Elections Act prescribes the forms and procedures.
C-19.1	Community Health Unit Act	The Lieutenant Governor in Council may with the approval of a city having a population of 100,000 or more, establish it as a health unit. Continguous areas	Assented to on May 4, 1979, this Act was not proclaimed in force until July 1, 1980.

Chapter	Title of Act	References to Municipalities	Comments and Recommendations
		or municipalities may be added to the health unit. The health unit board is appointed by the Appointments Committee, consisting of one person appointed by the council of each municipality or area which has been added to the health unit. A city may enter into agreements with the board for the provision of public health services. Sections 23 to 27 empower the board to deal with a "nuisance", i.e., anything that is or may become injurious or dangerous to health, or that prevents or hinders the suppression of disease. The board has all the powers and duties of a regional board under The Public Health Act. Where there is conflict between this Act and The Public Health Act, this Act prevails.	
C-26	Condominium Property Act	Section 8 states that every plan for registration of a condominium requires the approval of the local authority. Local authority may grant approval if it is satisfied that: (a) separate occupation will not contravene any development control or zoning bylaw; (b) any consent or approval required in relation to separate occupation has been given; (c) it will not interfere with the existing or likely future amenities of the community; (d) in the case of conversion of existing premises, such conversion will not create significant hardship or significantly reduce the availability of rental accommodation.	

		Sections 37 to 41 set out the procedure for assessing condominium units.	See Chapter 9 for recommendations for updating this Act with respect to the assessment provisions.
C-33	Controverted Municipal Elections Act	If the validity of the election of a member of a municipal council or his right to hold the seat is contested, this Act sets out the procedures for the conduct of a trial by a judge.	The Committee has recommended no significant change in existing legislation other than that this Act should be consolidated with the proposed Local Government Elections Act.
D-1	Dairy Products Act	Section 38 states that no municipal bylaw or regulation affecting the production, manufacture or sale of dairy products shall be operative until approved by the minister.	The Urban Municipality Act empowers municipalities under section 165.18 to licence the owners of milk cows and all persons operating depots or dairies at which milk is treated, bottled or otherwise handled in bulk. Under section 165.22 the council may prohibit the delivery of milk by retail before any hour in the forenoon. Under section 199.3 council may require the pasteurization of all milk and cream that is to be offered for sale or is consumed within the municipality. To comply with section 38 of The Dairy Products Act, it is apparent that municipalities need to obtain approval of the minister for some or all of the above bylaws.
D-14	Department of the Environment Act	In section 11 of the Act the legislation states that for the purposes of enhancing and protecting the quality of the environment the minister may (among other things):	None.

Chapter	Title of Act	References to Municipalities	Comments and Recommendations
		"require a government agency, municipality or person to obtain specified data with respect to the environment within an area surrounding the location of an undertaking proposed by the agency, municipality or person and to file the data with the minister." Section 12 empowers the minister to issue a stop order where the minister is satisfied that any person has contravened or is contravening the law or is causing or likely to cause the destruction, damage or pollution of a natural resource.	
D-15	Department of Finance Act	Section 80 states that all institutions, establishments, associations and bodies "sustained or aided at the public expense" shall render an annual statement of their financial affairs. Under section 81 every municipal corporation shall, when required by the treasury board, furnish it with financial information.	None.
D-24.1	Department of Urban Affairs Act	Section 6. The department shall control and manage any part of the administration of the Government of Saskatchewan that relates to urban municipalities and matters of an inter-municipal nature and that is not assigned by law to any other department or agency of the Government of Saskatchewan. Section 7. The department is responsible for all matters that relate to development in and of municipalities and to matters of an inter-municipal nature . . .	None.

		Section 19. Where the minister considers it necessary . . . he may appoint a person as controller to supervise the management of the affairs and business of the municipality.	
D-28	Direct Sellers Act	Subject to certain exemptions, no person shall carry on the business of direct selling in the province unless he is the holder of a provincial licence. The holder of a provincial direct seller's licence is exempt from compliance with any municipal licensing bylaw. However, section 32 states that no person shall carry on the business of direct seller unless he has paid to the city, town or village, as the case may be, the fee prescribed by the (provincial) regulations. The prescribed maximum fees range from $75 to $20 in cities, and from $30 to $20 in towns and villages. Within these limits councils have discretionary power to set fees.	Note that a transient trader is not required to be licensed under the Direct Sellers Act. Section 165.33 of The Urban Municipality Act gives council full powers to determine fees payable by transient traders.
E-0.1	Education Act	Sec. 278. On or before February 15 . . . the clerk of every city or town . . . secretary of every village . . . shall transmit to the board of education a certified statement of the total taxable assessment . . . Sec. 280 . . . there shall be levied annually over the taxable property contained in the division a uniform tax . . . Sec. 283 . . . a board of education shall determine the sums required . . . and . . . determine the uniform rate in mills to be levied.	These are duties imposed upon municipalities by the Legislature.

Chapter	Title of Act	References to Municipalities	Comments and Recommendations
		Sec. 284 . . . board . . . shall notify the proper taxing authorities . . . Sec. 285 . . . The council of every municipality . . . shall levy the tax rates . . . Sec. 286. The taxing authorities . . . shall each keep . . . a separate record of the uniform school taxes levied, collected and paid . . . and shall pay the proceeds of the uniform tax over to the treasurer of the division at least once in each month. Sec. 287. All taxes levied . . . or moneys collected or due by a municipality and remaining unpaid to the board . . . shall be a debt due by the municipality . . .	
E-9	Employment Agencies Act	Section 2 states that no person shall collect a fee for helping any person seeking employment to find a job. Section 6 states that any town, village or rural municipality, in which there is no government employment office, may establish an employment office and may charge to employers availing themselves of its services such fees as may be fixed by bylaw.	None.
F-13	Federal-Provincial Agreements Act	This Act authorizes the Government of Saskatchewan to enter into agreements with the Government of Canada for the purpose of obtaining for Saskatchewan the benefits of any federal-provincial programs.	This statute was originally enacted in 1972 to enable the province and its municipalities to take advantage of federal winter works programs.

		Section 7 authorizes a municipality to accept grants, loans or guarantees from the Government of Saskatchewan or Canada for the purpose of securing benefits under the federal-provincial agreement, and to enter into agreements for such purpose.	
F-14	Fire Departments Platoon Act	This Act applies to every city with a population of 10,000 and over. The Act requires the city to divide the full-time firefighters into two platoons: one to work 10-hour shifts during the day and the other to work 14-hour shifts during the night, each platoon to alternate at least once in every seven days . . . average not to exceed 42 hours per week. Section 9 deals with collective bargaining agreements and arbitration. Subsection (13) provides for binding arbitration. However, it applies only <u>if and while</u> the <u>constitution</u> of the firefighters' union contains a provision <u>prohibiting</u> a strike by its members.	Committee has contacted each of the cities affected and suggested that the matter of working hours of firefighters should be taken out of the statutes and left to municipalities to determine through the collective bargaining process. The cities responded that they were not interested in changing this Act. The response from the Saskatchewan Professional Fire Fighters Association supports existing legislation and suggests that any changes to the Act without input from the Association would be "opening up a Pandora's box". The Committee accordingly recommends no changes.
F-15.01	Fire Prevention Act	In a city, town or village where a fire department is established, the fire chief is the "local assistant" to the provincial fire commissioner. In a town or village where there is no fire department, the town clerk or the village secretary-treasurer is the local assistant.	None.

Chapter	Title of Act	References to Municipalities	Comments and Recommendations
		The council of every municipality must notify the Fire Commissioner of the full name, address and occupation of the person appointed by council who is or becomes a local assistant. (Sec. 7). Subject to directions of the Fire Commissioner, every local assistant shall enforce this Act within his jurisdiction and shall perform any other duties . . . (Sec. 8) Where a municipality has passed a bylaw . . . respecting the prevention and extinguishment of fires . . . and the provisions of the bylaw are more exacting than the provisions of this Act or the regulations, that bylaw governs and applies to all properties within the boundaries of the municipality. (Sec. 33)	
G-3	Gas and Electrical Rates (Public Corporations) Act	Sec. 3 says that a person supplied with natural gas on a retail basis by a gas utility may, if dissatisfied with the rates charged by the utility, apply to The Local Government Board for a variation thereof. A municipality may apply to the Board on behalf of the consumers within the boundaries of the municipality, for a variation of the rates charged by a gas utility that is a Crown corporation. Applications may also be made to the Board where there is dissatisfaction with respect to the quality or characteristics of the gas supplied or the continuity of the service. Section 11 of the Act states that its provisions apply as well to electrical utility rates and services, but this part of the Act is not in force as it has never been proclaimed.	None.

H-1	Health Services Act	Sec. 11 says that where all or any portion of the estimated expenditure of the regional board is to be raised by means of a general tax, the proportion to be borne by each municipality in the region shall be determined by The Local Government Board. The region board shall transmit its requisition to each municipality, and the municipality shall include the required sum in its general levy. Where a personal tax is levied by the regional board, the municipality shall be the collector.	None.
		Sections 23 to 41 provide authority to municipalities to pass bylaws authorizing the council to provide medical, surgical or hospital care to the residents. A bylaw for this purpose shall provide for financing of the scheme by means of a general tax and/or a personal tax.	The provisions in Part III of the Act with reference to Municipal Schemes, may no longer be useful in view of provincial and federal governments having adopted a program of universal hospital and medical care.
		On receipt of a petition signed by the lesser of 10% of the electors, or one hundred electors, a bylaw shall be introduced and submitted to a vote of the resident ratepayers.	In any event the reference in section 28 to a vote of the "ratepayers" ought to be changed to read "electors" so as to be consistent with the Committee's recommendations on voting on bylaws.
H-3	Highways Act	Section 5 of the Act states that the minister shall, among other things, "furnish the officers of municipalities with information respecting the planning, design, construction, improvement and maintenance of public highways".	None.

Chapter	Title of Act	References to Municipalities	Comments and Recommendations
		Section 9 provides for contracts with municipalities for municipalities to undertake work for the department or for the department to undertake work for the municipality. Subject to a bylaw closing a public highway with the consent of the minister pursuant to section 146 or 147 of The Urban Municipality Act, the minister may deal with land in the public highway as he deems expedient. A "public highway" means a road allowance or a road, street or lane, vested in Her Majesty . . .	
H-4.1	Home Energy Loan Act	Section 8 states that no person shall carry on business, act or hold himself out as an eligible insulation installer unless he is the holder of a provincial licence. Section 9 says that the issuance of the provincial licence does not relieve the licensee from compliance with any licensing bylaw of a municipality passed under statutory authority.	None.
H-9	Hospital Revenue Act	This Act says that each municipality shall, on behalf of Her Majesty the Queen in right of Saskatchewan, levy and collect the hospital revenue tax in respect of all taxable property in the municipality. The hospital revenue tax is not levied where the municipality is within a union hospital district, or makes an annual grant to a hospital or in a municipality which operates a hospital. Any amount unpaid by the municipality by end of the year becomes a debt owing to the Minister of Finance.	None.

H-13	Housing and Special Care Homes Act	Section 4 gives municipalities power to enter into any agreement for the acquisition of land and for the construction of houses or housing units for sale or rent, and any agreement so entered into may provide for payment by the municipality of 5% of the capital cost and like percentage of any operating losses. Section 8 empowers municipalities to guarantee loans of a housing company, and section 10 empowers municipalities to subscribe to capital stock of a housing company. Under section 17, a municipality may establish a board to manage home for needy, aged, infirm or blind persons. A borrowing bylaw requires approval of The Local Government Board, but subsection 38(2) states that a debenture bylaw need not be submitted to a vote of the burgesses unless required by the Board. Special care homes are exempt from all taxation but not from local improvements taxes. (Sec. 44).	None. Substitute "electors" for "burgesses" so as to be consistent with the recommendations for The Urban Municipality Act.
I-6	Industrial Towns Act	Sec. 5 states that the minister may, of his own motion *or at the request of an industrial organization* or the council of a town or village, refer to the (Industrial Towns) committee for study the question whether the proposed location and establishment of an industry may require that either an existing town or village be declared an industrial town or a new industrial town be established.	None.

Chapter	Title of Act	References to Municipalities	Comments and Recommendations
		The minister may require the town or village declared an industrial town to appoint a manager. In the case of a new industrial town, the minister shall appoint an administrative board. The Lieutenant Governor in Council may make grants, loans and advances and give such guarantees as are considered necessary or expedient for the purpose of providing for the implementation of the Act and assisting the development or establishment of an industrial town.	
J-1	Jackfish-Murray Lake Resort Municipality Act	This Act provides for the creation of a resort municipality out of a large sprawling cottage area contiguous to Jackfish Lake and Murray Lake. The initiative rests with the residents of the area, but although the Act was passed in 1973-74, there has been no such incorporation yet. A petition and a favorable vote is necessary before the minister will constitute the area a municipality. The area continues in the meantime to be subject to the administration of the rural municipality.	None.
J-4	Jury Act	In compiling the jury list the sheriff shall have access to the assessment rolls and all other public papers under the control of the proper officer of each city, town, and village within which reside persons whom he may wish to select as prospective jurors. Among the 21 classes of persons exempt from jury duty are salaried firemen in the employ of a city or town.	None.

		In an action against a city or town no person shall be subject to challenge as a juror by reason only of the fact that he pays taxes to the city or town.	
L-4	Land Surveys Act	Section 25(1). Where the monuments of a section or quarter section are lost or obliterated, the minister may, on receipt of a certified copy of a resolution of the council of the municipality in which the lands lie, order a survey to be made, by a surveyor approved by the Controller of Surveys, for the purpose of restoring those monuments. (According to section 2 of the Act, "minister" means the Minister of Natural Resources). Section 61 empowers the Attorney General, upon request of the council of a municipality to order a special survey where an error appears in, or doubt exists as to the accuracy of, an existing survey or plan. The council must agree to pay the costs of the special survey. Upon receipt of the Attorney General's order for a special survey, the clerk or secretary treasurer shall publish notice of the special survey. (Sec. 63).	Section 2 needs updating as there is no Department of Natural Resources.
L-18	Liquor Act	Sec. 15 empowers the Liquor Board to establish stores for the sale of liquor in cities, towns, villages and hamlets, but the total number of cities, towns, villages and hamlets in which stores are in operation shall not at any time exceed 90.	Note that by a 1979 amendment to the Act, the clerk of the municipality has been relieved of the responsibility for conducting votes upon a liquor question. This is now the responsibility of the Chief Electoral Officer, who appoints the returning officers.

Chapter	Title of Act	References to Municipalities	Comments and Recommendations
		Sec. 123. In cities, towns or villages where a person has been convicted or fined for violation of any provision of this Act upon the information of a policeman or constable or other official employed and paid by the municipalities and not a member of a force directly employed and paid by the province, the municipality shall receive the fine imposed and the convicting justice shall make distribution of the fine accordingly. Sec. 171 states that for the purpose of taking the vote, all the provisions of the appropriate municipal Acts shall apply.	This section needs to be updated to comply with The Local Government Elections Act when passed. In any event, reference to The Village Act, which has not been in existence since 1970, should be removed from section 171 of The Liquor Act.
L-21	Liquor Licensing Act	Section 36 provides for a local option vote to be arranged either on the initiative of the Liquor Licensing Commission or upon request of the council of the city, town or village. Section 37 provides for a petition of electors for a vote on the issue or continuance of licences of one or more types. Upon receipt of a petition signed by 25% of the resident electors, or by 500 of those electors, whichever is the lesser number, council shall pass necessary resolution within 30 days. Section 62 limits the number of beverage room licences to a maximum of one licence for a population of 1,200; two licences for a population of 1,201 to 2,500, etc., etc.	

		The Commission may issue a beverage room licence to the operator of the hotel if the hotel has not less than six bedrooms, a public sitting room and a dining room, but the Commission may waive requirement of a dining room. Sec. 94 empowers the Commission to order a licensee to install, repair, modernize or otherwise improve the sanitary facilities of the hotel in which a beverage room is being operated. Sec. 113 provides for the issue of a club licence to a city golf course.	See comments in Chapter 4 with reference to hotel licensing provisions under sections 205-216 of The Urban Municipality Act.
		Under section 122, liquor sales are prohibited during voting hours on a polling day other than an advance polling day in respect of federal, provincial or municipal elections.	Committee recommends deletion of this section because it is an archaic piece of legislation.
L-28	Local Government Board Act	This Act gives the Board jurisdiction and powers over the borrowing of money by local authorities, and sets out the procedure for making application to the Board. Section 24 states that the application shall be made after the first reading of the bylaw and before the bylaw is submitted to a vote of the burgesses. Section 30 states that all debentures shall contain the seal of the Board and the signature of its chairman, authorizing the issue. Reference is made to subsection (2) to countersigning by a minister or deputy.	It is recommended that section 24 be revised to conform with the Committee's recommendations for changing the sections in The Urban Municipality Act dealing with voting on money bylaws. The best way to do this would be to delete section 24 and to substitute therefor the following: "A local authority shall follow the procedure for obtaining permission to borrow money prescribed by the statute that authorizes it to borrow". Note that it is recommended that The Urban Municipality Act do away with ministerial countersigning of debentures.

Chapter	Title of Act	References to Municipalities	Comments and Recommendations
		Part III of the Act deals with the Board's jurisdiction respecting public utilities, but in defining "corporation" the Act makes it clear that the Board has jurisdiction only over corporations other than Saskatchewan Power Corporation. Section 64 states that no corporation shall commence to construct, etc., a public utility without first obtaining the consent of the Board.	
L-29	Local Government Board (Special Powers) Act	Section 3 empowers the Board to inquire into the affairs of any city, town, union hospital district, high school district or town school district which has got itself into financial difficulties. The Act gives the Board very broad powers over the financial affairs of such local authority, including, in section 14, the power to recommend to the Lieutenant Governor in Council the removal from office of a local authority and the appointment of an administrator. Originally a part of The Local Government Board Act, this was enacted as a separate statute in 1921-22.	Note that villages are not included. It is recommended that the Act be rewritten so as to make it applicable to all urban and rural municipalities, school divisions, as defined in the Education Act, and union hospital districts. It is further recommended that the Local Government Board (Special Powers) Act be consolidated with The Local Government Board Act.
L-30	Local Government Board (Temporary Special Powers Act)	This Act applies to R.M.'s, villages, rural telephone companies, school units, school districts, (rural, village) and town school districts situated within the rural municipalities designated in schedules A and B. Act was passed in 1937.	This legislation was enacted in the 1930's to empower the Board to deal with the mass defaults which had occurred due to the inability of rural people to pay their taxes. The Board used the powers given to it to arrange refinancing of existing local debts by reduction of the debt and the issue of new debentures. These debts have probably all been paid off by now. Such portions of the Act as are necessary should be consolidated with The Local Government Board Act.

L-33	Local Improvements Act	See Chapter 6 of this Report.	Committee recommends consolidation with The Urban Municipality Act.
L-34	Lord's Day (Saskatchewan) Act	The council of a municipality may pass a bylaw declaring that it shall be lawful for any person, between 1:30 pm and 6:00 pm on Sunday, to provide, engage in or be present at any public game, sport or contest specified in the bylaw that but for this Act would be unlawful under the Lord's Day (Canada) Act. Where a petition signed by 10% of the electors or 2,000 electors, whichever is the lesser, has been received, the council shall give first and second readings to the bylaw and submit it to a vote of the electors at the next ensuing election. Notwithstanding, council may at any time submit a bylaw to a vote of electors. Where bylaw was passed on council's initiative (without a vote of the electors), it shall not be repealed for at least three years without a petition and a vote. The bylaw shall not authorize the holding of horse races, dog races, boxing or wrestling exhibitions. Notwithstanding above, a public authority may on a Sunday operate a curling rink, golf course, swimming pool, tennis court, lawn bowling green; museum, zoo, historical site; conduct baseball, basketball, football, fastball, hockey or softball; operate an eating facility; charge a fee to any person attending, playing, using facility, etc.	No action or prosecution for a violation of The Lord's Day Act (Canada) may be commenced without leave of the provincial Attorney General.

Chapter	Title of Act	References to Municipalities	Comments and Recommendations
M-2	Major Urban Centres Integrated Hospitals Act	The Act provides for the creation of Urban Centre Hospital Service Areas in cases where there are two or more hospitals located in a city of 25,000 or more which is not included in a union hospital district. The "service area" would consist of the city and the rural municipalities, or parts thereof, which are not in a union hospital district but which are being served by the city hospitals and request to be included in the "service area". A large part of this Act consists of sections found in The Union Hospital Act. One significant difference between this Act and The Union Hospital Act concerns the appointment of hospital boards. While the boards under the Union Hospital Act are appointed by councils or member municipalities for two year terms the Major Urban Centres Integrated Hospital Act authorizes the Lieutenant Governor in Council to make regulations governing the composition of boards and their appointment by municipal councils. This Act comes into force on a day to be fixed by proclamation.	References to "burgesses" in sections 4 and 14 should be amended to read "electors", and the voters' qualifications and voting procedures should be as prescribed in the proposed Local Government Elections Act. Although assented to April 2, 1971, this Act has not been proclaimed yet.
M-23.1	Municipal Assessment Act	Enacted in 1980, this statute consists of portions of the former Department of Municipal Affairs Act, which has now been replaced by the Department of Urban Affairs Act and the Department of Rural Affairs Act.	None.

		Under the direction and supervision of the minister, all assessable properties, businesses and franchises in every municipality must be revalued at least every 12 years in villages and every eight years in cities and towns. In cities of over 25,000, the cost is to be paid by the city.	
M-24	Municipal Debentures Repayment Act	Sec. 2. "When . . . the period for repayment of the debentures is less than the lifetime of the work . . . (and the council desires) to pass a new bylaw extending the payment for the work . . . over the lifetime thereof, . . . the municipality may make application to The Local Government Board for permission to do so . . ." Section 8 makes provision for exchange of old debentures for new debentures. Section 14 says that if the lifetime of the work is shorter than the term of debentures issued, application may be made to the Board for authority to provide a fund "sufficient with interest at 4% per annum" to retire the debenture prior to maturity.	The preamble to the original Act, passed in 1915, gives the reasons for this legislation. It states that some municipalities have issued debentures repayable over a period of time which is shorter than the lifetime of the work, while others have outstanding debentures repayable over a period of time longer than the lifetime of the work. The preamble states that it is desirable that the burden may be equitably distributed "over the period during which the work is in existence and beneficially utilized." Note that section 244 of The Urban Municipality Act limits the repayment period to 40 years. The Local Government Board in recent years has encouraged municipalities to issue debentures which are repayable over a period of time which is shorter than the estimated lifetime of the work. While one cannot argue too much with the principle of spreading the debt burden over the whole lifetime of the work from which benefits are being derived, it is hard to imagine a municipality these days wanting to recall unmatured debentures so that they can be exchanged for debentures with a longer or shorter repayment period. Times have changed since 1915. The Committee accordingly recommends repeal of this Act.

Chapter	Title of Act	References to Municipalities	Comments and Recommendations
M-25	Municipal Development and Loan (Saskatchewan) Act	Enacted in 1964, this statute enabled municipalities to obtain capital loans (with a forgiveness feature) from the federal government. The Municipal Development Loan Fund program was terminated about 1969. It was succeeded in 1972 by a federal winter works incentive program, which also provided loans with a forgiveness feature.	This statute should probably be retained on the books until all the loans have been paid off, and then repealed.
M-26	Municipal Employees' Superannuation Act	An "employee" means an individual who performs services for an employer for a continuous period of six months' in a permanent full-time position but does not include any teacher as defined in The Teachers' Superannuation Act. Section 16 requires the employer to make deductions from employees' salaries and to remit them to the Superannuation Commission. The employees' contribution - at 7% of salary except in the case of policemen and firemen retiring at age 60, who must contribute an additional 1½% - must be matched by the employer.	It is assumed that the incumbent of a full-time mayor's position would be considered an "employee" for the purposes of this Act.
M-27	Municipal Expropriation Act	If council desires to acquire land for any purpose authorized by the appropriate municipal Act, and cannot acquire the land by agreement with the owner, the council may pass a bylaw to expropriate the land.	None.

		The statute lays down the procedures to be followed with respect to serving notices, entry upon the land, compensation determination, surveys, etc.	
M-28	Municipal Financing Corporation	The corporation may enter into agreements that may seem conducive to assisting municipalities in financing their capital requirements, and lend money to municipalities in exchange for debentures. Sec. 23 states that the corporation shall not accept any securities of a municipality unless the municipality has complied with all of the legal requirements governing the issue of debentures.	None.
M-30	Municipal Improvements Assistance (Saskatchewan) Act	First enacted in 1939, this statute complements the federal Municipal Improvements Assistance Act of 1938. The Act empowers municipalities to borrow from the Minister of Finance of Canada. Approvals of The Local Government Board and of the local voters are dispensed with, but all applications require approval of the Lieutenant Governor in Council. Loans are guaranteed by the province. Section 20 states that the Saskatchewan Power Corporation may act on behalf of one or more municipalities in the construction and operation of self-liquidating projects under the principal Act.	This program does not appear to have been in operation for some years. However, in case the federal government should ever reactivate it by putting more money in, the Act should probably be retained on the books.

Chapter	Title of Act	References to Municipalities	Comments and Recommendations
M-31	Municipal Industrial Development Corporations Act	Five or more persons, including persons representing municipal corporations, for the sole purpose of fostering the economic development of a city or town by making accommodation and financial assistance available to industries, may form an incorporated company with limited liability. With approval of The Local Government Board, council may subscribe to the capital stock of a municipal industrial development corporation.	None
M-32	Municipal Public Works Act	See Chapter 5.	It is recommended that the substance of this Act be consolidated with The Urban Municipality Act, under the heading "Public Utilities".
M-32.1	Municipal Revenue Sharing Act	In each fiscal year there shall be paid to each urban municipality: a basic grant, a per capital grant, a foundation grant, and any other grants provided for in section 7 (road ambulance, fire protection). The Act and the Regulations contain details of the various grant formulae.	None.
M-34	Municipal Tax Sharing (Potash) Act	Administered by a Board of two SARM representatives and one person nominated by the minister. The Lieutenant Governor in Council may make regulations: designating the rural and urban municipalities that are eligible for sharing in tax revenue from potash mine assessments, and prescribing the formula governing the distribution of such tax revenues among rural and urban municipalities eligible to share such revenue.	None.

M-35	Municipal Unit and County Act	Provides for establishment of larger municipal units through consolidation of rural municipalities or parts of rural municipalities, and for creation of counties to administer both municipal and school functions. Subsection 6(1)(b) authorizes the council of a municipal unit or county to enter into an agreement with the council of a city, town or village for the inclusion of the urban municipality in the municipal unit or county.	This statute was enacted in 1962 following the report of the Local Government Continuing Committee. Due to opposition from rural municipal officials to any reorganization along the lines provided for in the Act, no municipal units or counties have been formed yet.
M-36	Municipal Water Assistance Act	"Municipality" means a town, village, rural municipality, local improvement district or the Northern Saskatchewan Administration District. The Municipal Water Assistance Board may provide technical advice and assistance to municipalities with respect to waterworks systems or sewerage systems; make grants; undertake research; provide for inspection of works in respect of which a grant is made; and do such other things not inconsistent with this Act as it deems advisable.	Note that this Act does not apply to cities.
N-9	Noxious Weeds Act	It is the duty of every owner or occupant of land to destroy noxious weeds thereon. Municipality is deemed to be owner of roads within its boundaries. Council may appoint weed inspectors; and clerk shall notify director of any appointment made. If urban municipality has not appointed an inspector, the inspector for the rural municipality surrounding the urban municipality has all powers conferred upon weed inspectors.	None.

Chapter	Title of Act	References to Municipalities	Comments and Recommendations
P-7	Pest Control Act	Section 8 authorizes agreements between municipalities for joint action in controlling or destroying pests (which means any animal, insect or disease declared by the Minister of Agriculture to be a pest). Municipality may appoint pest control officer, and clerk shall notify minister of his name and address. If urban municipality has not appointed an officer, the officer of surrounding rural municipality has jurisdiction. Every municipality shall be responsible for the acts and negligence of its officers in the performance of their duties. (Sec. 16)	None.
P-13	Planning and Development Act	See Chapter 8.	
P-15	Police Act	Sec. 4. Attorney general may enter into an agreement with a municipality having a population not in excess of 1,500 for services of RCMP. Sec. 5. A municipality with a population between 1,501 and 20,000 may enter into an agreement with the Government of Canada for RCMP services. Sec. 25. A municipality is responsible for the maintenance of law and order within its boundaries and is required to provide policing services . . .	

		Sec. 27. A municipality with a population of 5,000 or over shall establish a board of police commissioners. Board shall consist of mayor and two other persons, one of whom is a member of council. Meetings of the board shall be open to the public, except meetings relating to contract negotiations, discipline, conduct of personnel, and security of police operations. Sec. 44. Government of Saskatchewan responsible for police services in R.M.'s and in town or village with population of less than 500.	Cities employing the RCMP have questioned the need for a board of police commissioners, where board acts only in an advisory capacity. Some cities have asked for enlargement of the board to five members.
P-19	Power Corporation Act	Sec. 34(1). The corporation may contract with any city, town, village or rural municipality for the supply of electrical energy, steam or natural or manufactured gas . . . Sec. 34(4). A contract may be made with a city or town for the supply of electrical energy, steam or gas to the city or town in bulk. Sec. 35. Authorizes agreements for supply and installation of gas incinerators. Sec. 36. Where council of town or village desires a payment in lieu of taxes, corporation may add 5% to customers' bills. In cities, the corporation may add 10% to customers' bills.	See recommendation with respect to section 198 of The Urban Municipality Act, page 69 of this report.

Chapter	Title of Act	References to Municipalities	Comments and Recommendations
P-29	Property Improvement Grant Act	Municipalities are not directly involved as grants are paid direct to persons who have paid municipal taxes.	None.
P-30.1	Provincial Court Act	Section 18 states that where a city or town has been designated as a place where a provincial court judge shall exercise his jurisdiction, the city or town shall, at the request of the Attorney General and at its own expense, provide: (a) a convenient location, suitably furnished, (b) a clerk to the judge, (c) a court reporter, (d) storage rooms for exhibits and documents, and (e) a person to take charge of exhibits and documents. The persons provided by the city or town shall be employees of and paid by the city or town, but while they are required to perform duties for the court they shall, with respect to those duties, be under the direction of the judge.	The Committee understands that the province is in the process of developing a new policy whereby the province will assume greater responsibility for court rooms, etc.
P-37	Public Health Act	Section 4 states that the council of each municipality wholly or partly included in a health region shall: (a) carry out the recommendations of the regional board regarding public health; (b) refer to the medical health officer all problems affecting public health; (c) transmit to the medical health officer all bylaws affecting public health and requiring the minister's approval.	Note that the Community Health Unit Act applies to cities having a population of 100,000 or more.

		Under section 11, council of each municipality affected shall pay to the Minister of Finance the municipality's share of costs of public health services. Section 15 states that the council of a municipality shall be its board of health, but in cities the council may appoint from among its members a committee to act in that capacity. Section 29 empowers medical health officers and sanitary officers to make inspections for the purpose of ascertaining whether there are any accumulations of filth, dirt, rubbish or other matters injurious to health, or any nuisances, and to take necessary measures to remove and abate them. Under section 37, the medical officer, etc., shall placard as unsanitary and unfit for occupation any building because of lack of repair, filthy keeping, want of sanitary plumbing, or any other defect or condition. Section 46 states that no municipal bylaw or regulation affecting the production, treatment or sale of milk shall be operative until approved by the minister.	This is similar to subsection 38(1) of the Dairy Products Act which reads: "No municipal bylaw or regulation affecting the production, manufacture or sale of dairy products shall be operative until approved by the Minister."
P-39	Public Libraries Act	Section 13 reads that a council may on its own initiative by bylaw establish a municipal library.	None.

Chapter	Title of Act	References to Municipalities	Comments and Recommendations
		Upon receipt of a petition signed by 10% of the electors, council shall submit bylaw to a vote of the electors. Where bylaw receives assent of majority of electors voting thereon, council shall forthwith pass the bylaw. General management and control of municipal library is under public library board, consisting of 7 or 9 members. Mayor is *ex officio* member; remaining 6 or 8 members appointed by council from among residents of municipality. Not more than one member of council in addition to the mayor shall be a member of the board. Unless council consents thereto, board shall not incur an expenditure or debt in excess of its annual estimate. Upon receipt of board's estimate council shall make provision for obtaining the moneys required or such part thereof as may be approved by the council by the imposition of a tax to be known as the library rate. Under section 33, council is required to submit capital borrowing bylaw to a vote of the burgesses. Where there is a regional library, section 69 states that the participating municipality shall make an annual grant to the regional library, the amount of the annual grants to be determined by the library board.	Change this section to conform to Committee's recommendations under The Urban Municipality Act re capital borrowing and voting on bylaws.

		Participation of a municipality in a regional library may be by council's own initiative, or following a petition and favorable vote of electors. (Sec. 48-49).	
P-44	Public Utilities Companies Act	Act applies to every company engaged in the manufacture, transportation and supply of gas or electricity or the supply of water or natural gas. No company is entitled to benefit of Part I of the Act until it has obtained consent of city or town, such consent to be by bylaw. Act gives exclusive powers to lay mains, wires, etc., remove trees and obstructions beside transmission lines, etc. Part III of the Act deals with municipal franchises, sales and leases, which are subject to approval of The Local Government Board, for the supply of water or gas or electric light and power or the operation of a street railway or motor omnibus system. Board may fix rates, and there is provision in the Act for any person or corporation or the council, if dissatisfied with the rates, to apply to the Board for a variation thereof. This part does not apply to Saskatchewan Power Corporation.	None.

Chapter	Title of Act	References to Municipalities	Comments and Recommendations
P-45	Public Utilities Easements Act	The registered owner of land may grant to the Crown in right of Canada or the province or to a public utility company, railway company, telegraph company or gas or oil pipe line company the right to carry wires, etc., upon, over, under or across the land; right to construct; right of access; right to remove things that might interfere with flying, etc. Such owner may grant to a municipal corporation or to a company operating aircraft such of the rights mentioned in subsection (1) as the corporation or company may require in the exercise of its corporate powers and functions.	None.
R-9.1	Regional Parks Act, 1979	One or more municipalities may apply to the minister for the establishment of a regional park authority. Authority consists of representatives appointed by municipalities. Regional park authority may make regulations providing for the health, protection, safety and general welfare of persons within the regional park. A municipality may make grants to a regional park authority for the development and maintenance of park. Nothing in this Act prevents a municipality from participating in more than one regional park, or from establishing or operating a park that is not a regional park.	Note Sec. 3(4) of The Urban Municipality Act. A regional park is not deemed to be within the boundaries of a municipality.

R-17	Rehabilitation Act	Act empowers minister to enter into agreements with the Government of Canada and with municipalities for the purpose of providing for the rehabilitation of disabled persons or designated groups or both. Section 8 of the Act authorizes a municipality to enter into an agreement, but nothing in this section shall be deemed to dispense with the submission of any bylaw to a vote of the burgesses where such submission is required by the appropriate municipal Act, nor with the approval of The Local Government Board where such approval is required by any act.	Substitute "electors" for "burgesses".
R-18	Relief Act	Lieutenant Governor in Council may enter into agreements with Government of Canada and with municipalities governing the institution and carrying out of measures for the relief of persons who are in necessitous circumstances by reason of unemployment or other circumstances attributable to prevailing economic conditions; and every municipality is empowered to enter into an agreement with the province. Municipalities are empowered to borrow money and to issue debentures to be known as "Relief Debentures" for the purpose of defraying municipality's share of the total cost of giving effect to the agreement.	This legislation was enacted in 1935 before there was an unemployment insurance program in Canada, or the Saskatchewan Assistance Plan, or hospitalization, or medicare. Let us hope that there will never again be a need for municipalities to issue Relief Debentures.
R-26	Rural Municipality Act	Sec. 228 authorizes a rural municipality to adopt the provisions of The Municipal Public Works Act or The Local Improvements Act or both with respect to any hamlet.	If the two named Acts are consolidated with The Urban Municipality Act as recommended by the Committee, section 228 will need to be amended accordingly.

Chapter	Title of Act	References to Municipalities	Comments and Recommendations
		Section 231.6 authorizes a rural municipality to erect an office building that shall be used jointly by the R.M. and the school unit. Sec. 242 authorizes a rural municipality to enter into agreements with councils of urban municipalities or other rural municipalities providing for the carrying out of any work, service or purpose, including acquisition of land, machinery or equipment that could lawfully be carried out by the rural municipalities alone within each of their own territorial limits.	Provision should also include authority to build joint office building for rural-urban municipal purposes.
S-7	Saskatchewan Assessment Commission Act	Commission may require property valuators, assessors and other municipal officials to make such returns to the commission on any matter affecting the subject of assessment and taxation . . . A municipality may appeal to the commission from the equalized assessment as determined by the minister under section 17 of The Department of Municipal Affairs Act.	Should now be section 5 of The Municipal Assessment Act.
S-8	Saskatchewan Assistance Act	Two or more municipalities may by complementary bylaws make provision for association with each other and forming a unit to provide assistance to persons in need residing within the unit. A local unit shall provide assistance to persons in need who are eligible for assistance and reside within the local unit. If any area is not within	None.

		the confines of a local unit, the minister may designate a regional office of the department as a provincial unit to provide assistance to persons in need. Where a municipality is a unit or is associated with another municipality as a unit to administer assistance, each municipality that comprises the unit may borrow money to enable the unit to exercise the powers conferred on the unit.	
S-18	Saskatchewan 4-H Foundation Act	The property vested in the foundation shall not be liable to taxation for provincial, municipal or school purposes but shall be exempt from every description of taxation.	None.
S-19	Saskatchewan Government Insurance Act	Section 7(4) reads that a person appointed as agent under the authority of this Act shall be exempt from payment of any licence fee imposed by a municipal corporation within Saskatchewan for the transaction of the business of insurance. Section 15 states that for the purpose of minimizing as far as possible the risk of insurance under this Act, every department of the Government and every city, town village and rural municipality and every officer thereof shall furnish to the insurance office all such information and reports as the minister or manager may require.	None.
S-22	Saskatchewan Heritage Act	Bill 88 provides for municipal participation and initiative in designating heritage properties.	None.

Chapter	Title of Act	References to Municipalities	Comments and Recommendations
S-23	Saskatchewan Hospitalization Act	Section 9 states that each municipality shall be a collection district, and each municipality shall collect the (hospitalization) tax. Section 10 authorizes municipalities to pay the tax on behalf of its residents. Section 11 gives the municipality power to recover an amount paid on behalf of a resident, where the resident is supporting himself, etc.	None.
S-24	Saskatchewan Housing Corporation Act	A municipality may enter into agreements for the purpose of undertaking any project contemplated by this Act or by the federal Act. A municipality may, either alone or in conjunction with another municipality, acquire and develop land for housing purposes, construct public housing projects, etc. (Sec. 27) A municipality may carry out urban renewal studies, and may dispose of land, and the provisions of paragraph 3 of section 191 of The Urban Municipality Act do not apply.	Should be paragraph 1 of section 191.
S-29	Saskatchewan Medical Insurance Act	Like the Saskatchewan Hospitalization Act, this Act states that each city, town, village and rural municipality shall collect the premiums from the residents thereof.	None.

S-34	Saskatchewan Telecommunications Act	All property, real and personal . . . shall be exempt from taxation of whatever nature and discription. (Sec. 5)	
		Section 39 reads that the corporation may, without the consent of any municipal council, enter upon and break and open up any highway, road, street, etc.	Add a subsection similar to subsection 32(2) of The Power Corporation Act, which says that before exercising the powers of construction conferred, the corporation shall submit to the municipality a plan of the location of the proposed power line or pipe line. See recommendations under section 143 of The Urban Municipality Act.
S-48	Sewage Drainage Inquiry Act	Sewage works means any public works for the collection, transmission, treatment and disposal of sewage and includes a lagoon; but the Act does not apply to damage caused by rupture, leaking, etc. of the underground portion of any sewage works.	
		No person shall commence an action for damages unless he first files with the commission a complaint and the commission has inquired into the complaint and submitted its report.	Section 420 of The Urban Municipality Act continues to apply, with respect to giving notice to the municipality within one year.
S-49	Sheep Protection and Dog Licensing Act	The municipality in which the sheep are killed or injured by a dog shall be liable to the owner of the sheep for 50% of the amount of damage.	None.
		Where sheep are brought into an urban municipality in the course of transit and are killed or injured therein by a dog, the municipality shall be liable only if the sheep are killed or injured within 24 hours after they are brought into the municipality.	

Chapter	Title of Act	References to Municipalities	Comments and Recommendations
		Where a dog is known to have killed or injured sheep, the clerk or secretary of the municipality may order the owner to cause the dog to be killed within 48 hours. Municipality may by bylaw apply sections 19, 20, and 21 of the Act, which sets dog licence fees at $1 to $5.	This does not prevent municipality from setting its own licence fees pursuant to authority given by Section 165, paragraph 11.2 of The Urban Municipality Act.
S-52	Snowmobile Act	Section 21(1) reads that except as otherwise provided in this section, no person shall operate a snowmobile on a highway. Subsection (2) reads that subject to the approval of the Highway Traffic Board, the council of a municipality may by bylaw authorize the operation of snowmobiles on any highway or portion of a highway, designated in the bylaw, within the municipality.	None.
S-60	Stray Animals Act	A municipality may by bylaw define the portion of the municipality within which animals may be permitted to run at large, and may determine the maximum number of each kind of animal that an owner may graze in the municipality on unfenced lands of which the owner is not the proprietor. The secretary shall cause to be published a list of pounds. A municipality shall be responsible for any negligent acts or omissions of its poundkeepers.	Act applies primarily to rural municipalities, but the word "municipality" wherever used in the Act applies as well to a city, town or village.

S-62	Subdivisions Act	Sec. 3 provides that the legal owner of a portion of a subdivided area within a city, town, village, or rural municipality, whether plan or subdivision is registered or not, may apply to the Saskatchewan Assessment Commission for permission to cultivate any vacant land in common with his own property, and the Commission may grant permission. Where such permission is granted to a municipality, the municipality may assign the right acquired thereby. A municipality, when applying under The Tax Enforcement Act for title to a number of lots in a subdivision, may before obtaining title apply for cancellation of the plan.	None.
T-2	Tax Enforcement Act	The Treasurer shall on or before November 15th, prepare list of lands on which taxes have been outstanding for more than six months; and the head of council shall authenticate the lists by his signature and the seal of the municipality. The treasurer then shall publish the list, and shall not later than January 31st file a tax lien. If the owner pays to the treasurer the arrears of taxes and costs, he shall withdraw the tax lien. Upon expiration of one year from the date of filing the tax lien, the municipality may by resolution authorize application for title.	Section 30 does not appear to be consistent with section 21, which provides for withdrawal of tax lien upon payment of arrears. It is recommended that section 30 be reworded to read that no tax lien shall be removed unless and until the arrears have been paid. "Arrears" are defined as unpaid taxes outstanding after the expiry of the year in which they were imposed. This amendment would do away with the necessity of filing a second and third tax lien where taxes are unpaid for two or three years.

Chapter	Title of Act	References to Municipalities	Comments and Recommendations
T-3	Tax Sharing (Pipe Lines) Act	Act shall be administered by a board comprised of 2 persons nominated by SARM, 2 by SSTA, and one by the minister. Taxes levied for municipal purposes on that portion of the pipe line assessment that exceeds the applicable exemption under section 7, shall, when collected be remitted to the board. The exemption is $70,000 per township or $700,000 per municipality.	This Act probably has little or no application to urban municipalities.
T-11	Theatres and Cinematographs Act	Section 5 reads that no official of a city or town shall issue a licence or receive a licence fee for a cinematograph, moving picture machine or similar apparatus or for a theatre, public hall or film exchange to which this Act applies until the applicant produces a licence therefor from the Saskatchewan Film Classification Board. ("Public hall" means a hall, pavilion or building, except such as used in connection with churches or owned and conducted by municipal authorities, in which public concerts, dances and other social gatherings are held.)	None.
T-24	Tuberculosis Sanatoria and Hospitals Act	Mayors of all cities and towns, the overseers of villages and the reeves of rural municipalities during their respective terms of office, are members of the League. Section 25 states that one-third of the net estimated expenditure shall be apportioned between the municipalities according to population; one-third according	Change "overseers of villages" to "mayors".

		to equalized assessments; and one-third according to the number of treatment days provided to residents of each municipality. Council shall pay the League one-half of its share by June 30th and the remainder by December 31st.	
U-2	Union Hospital Act	Section 2 provides for a petition for formation of a union hospital district from the council of the municipality or from any of the burgesses of the municipality. Section 15 provides for conducting a poll of the burgesses. Councils appoint board members for a term of two years. Board members may be disqualified for absenting themselves without authorization of board from two or more consecutive meetings of board, or for conflict of interest. Board submits annual estimates to municipalities, which shall levy taxes accordingly. Sec. 60 reads that every debenture being issued by the board shall be sent for registration to the Minister of Municipal Affairs, who shall cause a proper record thereof to be kept.	With respect to urban municipalities, change "burgesses" to "electors". The Committee has recommended that in urban municipalities, all electors are eligible to vote on all kinds of bylaws submitted to a vote. Amend Act to read that a board member shall hold office at pleasure of council, i.e., may be dismissed before expiration of two-year term. Change to provide for Local Government Board approval and registration of debentures.

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U-9	Urban Municipal Elections Act	See the second report of the Committee entitled "Proposal for The Local Government Elections Act".	Consolidate the law respecting municipal and school elections under a single Act; repeal the Urban Municipal Elections Act.
U-10	Urban Municipality Act	See Chapter 4 of this Report.	
V-3	Vehicles Act	Sec. 219 says that no municipality shall impose any fee or charge upon a holder of a public service vehicle certificate except a business or property tax in cases where certificate holder maintains an office; but this does not apply where major portion of revenue from operation of a taxi or dray service is secured from operation of that service within a city, town or village. Sec. 220 reads that no bylaw of a municipality, regulating vehicles, the parking of vehicles or the use of public highways, shall have any effect unless it is approved by the Highway Traffic Board.	Municipalities have expressed concern about the long time it takes to obtain Highway Traffic Board approval of their traffic bylaws. Committee recommends revision of Sec. 220 to permit municipalities to pass certain kinds of bylaws without Highway Traffic Board approvals, e.g., location of stop signs.
V-4	Venereal Disease Prevention Act	Section 11 states that boards of health and the medical health officers of such boards shall institute adequate measures for the prevention, diagnosis and treatment of venereal disease. "Board of health" means the board of health of a municipality or of a region. The Public Health Act, section 15, states that the council of a municipality shall be its board of health, but in cities the council may appoint a committee to act in that capacity.	None.

V-7	Vital Statistics Act	The clerk or secretary treasurer of every municipality shall be the division registrar. Every municipality shall pay annually, on February 1st, to the division registrar, a fee of 25 cents for each registration; but a municipality may by bylaw with the approval of the director limit the aggregate annual remuneration or provide for the payment of a stated annual remuneration.	The 25¢ fee is questioned.
W-5	Water Pollution Control Assistance Act	This Act applies only to cities, and provides for payment of grants not exceeding 10% of the capital cost of water pollution control works.	None.
W-7	Water Resources Management Act	The Department of the Environment may from time to time request any municipality to collect and tabulate facts respecting the quantity, quality, source and use of any water in respect of which the municipality has an interest. A municipality affected by a reservoir development area or special flood hazard area may, subject to minister's approval, make bylaws for various purposes. Section 25 states that no person shall commence the construction or operation of a waterworks or sewage works without first obtaining approval of the minister to do so. Section 26 authorizes the operator of a waterworks system to treat water chemically, electrically, mechanically or otherwise, subject to directions prescribed by the minister.	None.

Chapter	Title of Act	References to Municipalities	Comments and Recommendations
W-17.1	Workers' Compensation Act	The council may apply to the Board to have the mayor and other members of the council brought within the scope of the Act. The annual earnings of a person brought under this Act pursuant to such application are deemed to be any amount that the Lieutenant Governor in Council may determine. Every employer shall annually submit a statement setting out the amount of earnings of all workers in preceding year and an estimate of amount to be expended on wages during the current year. (Sec. 124) Municipality is required to notify Board of the name and address of persons to whom construction permits have been issued. (Sec. 128)	None.